



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.12184 of 2017
and
Crl.M.P.(MD)No.8437 of 2017

1.K.Duraisamy
2.Vellatchi
3.Paneerselvi
4.Arumugachamy

.. Petitioners/Accused Nos.2 to 5

-Vs-

1. The State rep by
Inspector of Police,
All Women Police Station,
Karur, Karur District,
(In Crime No.26 of 2015)

.. Respondent No.1 /Complainant

2.K.Radhika

... Respondent No.2/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in respect of the case in C.C.No.142 of 2016 on the file of the learned Judicial Magistrate No.I, Karur, Karur District and to quash the same and as illegal.

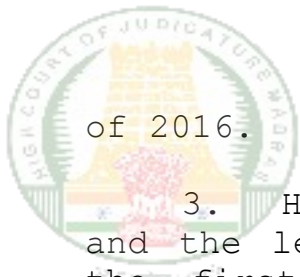
For Petitioners : Mr.G.Marimuthu

For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate(Crl.side)

ORDER

This Criminal Original petition is filed to quash the proceedings in C.C.No.142 of 2016, on the file of the learned Judicial Magistrate No.I, Karur.

2.The petitioners are accused Nos.2 to 5 in a Criminal case preferred by the second respondent. The case was registered under Sections 498(A), 294(b), 406 and 506(i) IPC. It is stated that the defacto complainant is the wife of first accused. The petitioners 2 and 3/A2 and A3 are the father and mother of the first accused. The petitioners 4 and 5/A4 and A5 are the elder sister and brother-in-law of the first accused. It appears that the defacto complainant has also filed a petition before the learned Judicial Magistrate No.I, Karur District, under the provisions of Protection of Women from Domestic Violence Act, 2005 in D.V.No.1



of 2016.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent.

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4. It is the case of the petitioners that the defacto complainant had given a false complaint implicating the petitioners, who are innocent and that it is only to harass them. Since this Court is of the view that, as per charge sheet, cognizable offence is made out, *prima facie*, this Court is not inclined to entertain this petition to quash the proceedings. Hence this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petitions are also dismissed.

5. However, it is submitted by the learned counsel for the petitioners that the petitioners 1 and 2, the parents of first accused and others are innocent and their presence may be dispensed with.

6. Having regard to the nature of allegations and the circumstances of the case, this Court is inclined to dispense with the appearance of the petitioners in the proceedings in C.C.No.142 of 2016, on the file of the learned Judicial Magistrate No.I, Karur unless their presence is specifically required by the the order of the trial Court.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Karur,
Karur District.

2. The Inspector of Police,
All Women Police Station,
Karur, Karur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.JOTHIBASU, Advocate, SR.79419

CrI.O.P. (MD) No.12184 of 2017
15.09.2017