



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.4746 of 2017

and

Crl.M.P (MD) Nos.3349 and 3502 of 2017

Hajara @ Hagira Beevi

: Petitioner

Vs.

1.State Represented through
the Sub-Inspector of Police,
Vaalinnokkam Police Station,
Ramanathapuram District,
(In Crime No.14/2016)

2.Panjaandi

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the proceedings in C.C.No.13/2017 on the file of Learned Judicial Magistrate, Muthukulathur, Ramnad District and quash the same as far as the petitioner/Accused No.12 is concerned.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent No.1 : Mr.K.Anbarasan

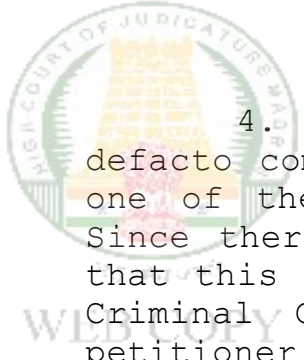
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the second respondent, the first respondent police registered a case in Crime No.14 of 2016 and after completing the investigation, has filed a charge sheet in C.C.No.13 of 2017 before the learned Judicial Magistrate, Muthukulathur, Ramnad District against 16 accused, for offences under Sections 147, 294(b), 323, 324, 109 of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act r/w Section 34 of the Indian Penal Code, challenging which, Hajara @ Hagira Beevi (A-12) is before this Court.

2. Heard Mr.D.S.Haroon Rasheed, learned counsel for the petitioner/A-12 and Mr.K.Anbarasan, learned Government Advocate (Crl.side) appearing for the first respondent.

3. The learned counsel for the petitioner submitted that the entire allegation is false, inasmuch as the defacto complainant did not suffer any injuries and that the petitioner herself was not available in the place of occurrence, she being a Cook Assistant in a nearby Primary School.



4. On a reading of the final report, it is alleged by the defacto complainant that his wife was attacked by the accused and one of the accused even pulled her saree and tore her jacket. Since there are prima facie materials, this Court is of the view that this is not a fit case to quash the prosecution. Hence, this Criminal Original Petition is dismissed, with liberty to the petitioner to raise all the points before the Trial Court.

5. At this juncture, the learned counsel appearing for the petitioner submits that the presence of the petitioner/Accused No.12 before the Trial Court may be dispensed with.

6. Accepting the submission, this Court directs the petitioner/Accused No.12 to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the petitioner/Accused No.12 files an application under Section 317 Cr.P.C., undertaking that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses on the day they are examined in chief, in her absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the petitioner/Accused No.12 adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Muthukulathur, Ramnad District.
2. The Sub-Inspector of Police,
Vaalinkkam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
Cr1.O.P. (MD) No.4746 of 2017
20.04.2017

SML

MKV-KP/3.5.2017/2P-4C