



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No. 7237 of 2017

and

Crl.M.P. (MD) Nos. 4926 and 4927 of 2017

1. Gomathi
2. Vicky @ Vigneswaran : Petitioners/Accused 1 and 3

-Vs-

State represented by

1. The Inspector of Police,
E-1 K. Pudur Police Station, (Law and Order)
Madurai.
(Crime No. 1408/2016) : 1st Respondent/Complainant

2. Selvarani : 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining in the Charge Sheet in C.C.No.378 of 2016 on the file of the Additional Mahila Court, Madurai and quash the same.

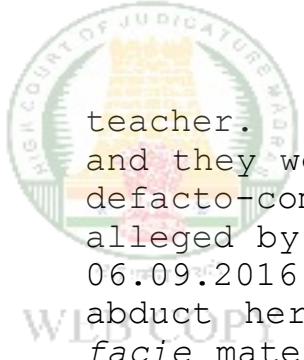
For Petitioners : Mr. K. Malathi
For Respondents : Mr. K. Anbarasan
Government Advocate (Crl. Side)
for R.1

O R D E R

On the complaint lodged by Selvarani, the respondent police registered a case in Cr.No.1408 of 2016 against Gomathi, Vijayalakshmi and Vicki and after completing the investigation, they have filed charge sheet in C.C.No.378 of 2016 before the Additional Mahila Court, Madurai for the offences under Sections 294(b), 506(i) I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, against Gomathi and Vicki, deleting the name of Vijayalakshmi, challenging which Gomathi and Vicky are before this Court.

2. Heard the learned Counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the first respondent.

3. On reading of the Charge Sheet, it is seen that the defacto-complainant alleged that she went to the house of the accused for attending tuition, since Gomathi was the tuition



teacher. While so, Gomathi's son Vicky developed one side love and they were forcing the defacto-complainant to marry Vicky. The defacto-complainant was not interested in marrying Vicky. It is alleged by the defacto-complainant that Vicky came to her house on 06.09.2016 and threatened the defacto-complainant that he will abduct her, if she does not marry him. Since there are *prima facie* materials against both Gomathi and Vicky, this is not a fit case to quash the proceedings. However considering the age of Gomathi, who is aged about 68 years, the presence of Gomathi before the trial Court is dispensed with and she was directed 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 first petitioner/Gomathi 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 in her absence without adopting dilatory tactics, the trial Court may liberally consider and entertain the same. If the first petitioner/Gomathi adopts any dilatory tactics, it is open to the trial Court to insist upon her presence.

4. In the result, this Criminal Original Petition is dismissed and Crl.M.P.(MD)No.4927 of 2017 is disposed of and Crl.M.P.(MD) No.4926 of 2017 is dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Mahila Court,
Madurai.
2. The Inspector of Police,
E-1 K.Pudur Police Station, (Law and Order)
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Malathi, Advocate in SR.No.60380

rmk/ssl

AE/MR/SAR3/22.06.2017/2P/5C