

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.4615 of 2017
and
Crl.M.P.Nos.6303 & 3477 of 2017

1.Sattanathan
2.Vijiyalakshmi ... Petitioners

Vs.

1.State Represented by
Inspector of Police,
W-27, All Women Police Station,
Vadapalani.
(Crime No.12 of 2016) ...
Respondent/Complainant

2.Annaporani ... Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records in Crime No.12 of 2016
and quash the proceedings pending in the file of Inspector of
Police, W-27, All Women Police Station, Vadapalani.

For Petitioners : Mr.S.Gopinath

For Respondent 1 : Mr.P.Kritika Kamal,
Government Advocate (Crl. Side)

For Respondent 2 : No Appearance

ORDER

This petition has been filed by the petitioners seeking to
quash the proceedings in Crime No.12 of 2016 on the file of
first respondent police, insofar as the petitioners herein are
concerned.

2. The petitioners herein have been implicated for the
offences under Sections 406, 420 & 506(ii) of IPC by the defacto
complainant through a complaint dated 11.11.2016.

3. On a perusal of the complaint, it is seen that the

grievance of the defacto complainant is as against the first accused, who is her husband. There is not even a single line in the complaint which implicates the petitioners herein, who are the father and mother of the first accused, in order to prejudice the offences under Sections 406, 420 & 506(ii) of I.P.C. However, without consideration, the first respondent had mechanically implicated the petitioners herein as accused Nos.2 & 3 in the said crime.

4. It is brought to my notice that the petitioners herein are senior citizens, aged about 70 and 65 years respectively. Above all, the complaint that was received on 11.11.2016 at 10.00 a.m seems to have been despatched to the concerned jurisdictional Magistrate on the same day and apparently, no preliminary enquiry has been conducted to ensure the involvement of the petitioners herein for the said offences.

5. In view of the above, it would not be appropriate to permit these petitioners to undergo ordeal of the trial in the criminal proceedings. Hence, the proceedings in Crime No.12 of 2016 on the file of the first respondent police is quashed, insofar the petitioners herein/accused Nos.2 & 3 are concerned. However, the first respondent has liberty to proceed with the investigation as against the first accused is concerned.

6. With the above observations, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,W-27, All Women Police Station,
Vadapalani.

2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.S.Gopinath, Advocate, S.R.No.3576

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RRK(30/01/2018)