

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P. Nos.19146 and 4256 of 2018

and

Crl.M.P.No.1993 of 2018

in

Crl.O.P. No.4256 of 2018

Crl.O.P. No.19146 of 2018

Parimala

... Petitioner

Vs.

State rep by
The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar,
Chennai - 600 040.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the trial Court to expedite the trial in C.C. No.212 of 2017, on the file of the Learned Additional Mahela Judge, Egmore, Allikulam at Chennai within the time as stipulated by this Court.

For Petitioner : Mr.J.B.Solomon Peterkamaldoss

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

Crl.O.P. No.4256 of 2018

1.Geetha

2.Sabitha

3.Srinath @ Viswanath

... Petitioners

Vs.

1.State rep by
The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar,
Chennai - 600 040.

2.Parimala

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the case pending against the petitioners in C.C. No.212 of 2017, on the file of the Learned Additional Maheela Court, Egmore, Chennai.

For Petitioner : Mr.K.S.Kaviarasu

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1

: Mr.J.B.Solomon Peterkamaldoss for R2

C O M M O N O R D E R

Cr1.O.P. No.4256 of 2018 is filed to quash the proceedings in C.C. No.212 of 2017, pending on the file of the learned Additional Mahilar Court, Egmore, Chennai.

2.The petitioners are added as A2 to A4. They are the Mother-In-Law, Sister-In-Law and the husband of the Sister-In-Law. A1, in this case is the husband. Based on the complaint given by the second respondent, the first respondent had investigated the case and have filed a final report before the Court below for an alleged offence under Sections 498(A), 406, 323 and 324 of I.P.C and Section 4 of the Tamilnadu prohibition of Women Harassment Act. This final report has been taken on file by the Court below in C.C. No.212 of 2017. A2 to A4 have challenged the proceedings before this Court.

3.The learned counsel for the petitioners would submit that these petitioners were never living with A1 and the second respondent. Therefore, the entire allegations that have been made against these petitioners are imaginary and false. The learned counsel would further submit that matrimonial cases are pending between the parties and the second respondent is filing one case after another against all the family members and therefore, same requires interference by this Court in exercise its jurisdiction under Section 482 of Cr.P.C.

4.The learned Additional Public Prosecutor would submit that the respondent police have collected sufficient materials against these petitioners and filed a final report and the issues raised by the petitioners can be decided only during the course of the proceedings and there is no ground to interfere with the proceedings at this stage.

5.The learned counsel for the second respondent would submit that the second respondent faced torture and harassment in the hands of the husband and the in-laws. The learned counsel further submit that there are very specific allegations against each one of the petitioner and therefore, this Court should not interfere with the proceedings at this stage.

6.This Court has carefully considered the submissions made on either side.

7.A reading of the final report filed by the first respondent, reveals certain materials against the petitioners. The truthfulness or otherwise of the allegations cannot be gone into by this Court at this stage. Even, a strong suspicion is enough for the Court to frame charges and therefore, only in limited cases, this Court interfere with the proceedings of the Court below where even a entire reading of the final report along with the statement given by the witnesses, no case is made out against the accused persons. This case does not fall within that category.

8.The grounds that even raised by the learned counsel for the petitioners are factual in nature and it requires appreciation of evidence. Therefore, the same can be raised only before the Court below and the Court below shall consider the same on its merits and in accordance with the law. This Court does not interfere with the proceedings at this stage.

9.The learned counsel for the petitioners requested this Court that the presence of the petitioners can be dispensed with pending proceedings. This Court accepts the request made by the learned counsel for the petitioners. The presence of the petitioners shall be dispensed with and they shall be represented by a counsel. The petitioners shall be present before this Court at the time of receiving copies under Section 207 of Cr.P.C., at the time of framing charges, at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment.

10.The counsel representing the petitioners shall cross-examine the witnesses on the same day when they are examined in the Chief. The petitioners shall not question the identity of the witnesses.

11.The second respondent has also filed Cr1.O.P. No.19146 of 2018, before this Court seeking for a direction to the Court below to complete the proceedings within the time limit to be fixed by this Court.

12.Taking into consideration of the facts and circumstances of the case, both the Criminal Original Petitions are disposed of with a direction to the learned Additional Mahela Judge, Egmore, Chennai, to complete the proceedings in C.C. No.212 of 2017 within a period of four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

ia/stm
To

1.The learned Additional Mahilar Judge,
Allikulam ,Egmore, Chennai.

2.The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar,
Chennai - 600 040.

3.The Additional Public Prosecutor
Madras High Court, Chennai.

+2ccs to Mr.J.B.Solomon Peterkamaldoss , Advocate SR.No.
77780,77781

+1cc to Mr.Kaviarasu , Advocate SR.No. 78658

CrI.O.P.Nos.19146 and 4256 of 2018

ASK(18/12/2018)

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