

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.12471 of 2018

and

Crl.MP.Nos.6656 & 6657 of 2018

1.Jagadeeswari

2.Latha

...Petitioners

Vs.

1.The State Rep. by

The Inspector of Police

W5, All Women Police Station

Vepery, Chennai-600 007.

2.Mrs.Kala

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C seeking a direction to call for the records pertaining to the case in C.C.No.5798 of 2007 on the file of the Metropolitan Magistrate No.II, Egmore, Allikulam, Chennai and quash the same in respect of the petitioners herein.

For Petitioners : Dr.R.Sampathkumar

For Respondents : Mr.C.Raghavan

Government Advocate (Crl. Side)

For R1

O R D E R

This criminal original petition has been filed seeking a direction to call for the records pertaining to the case in C.C.No.5798 of 2007 on the file of the Metropolitan Magistrate No.II, Egmore, Allikulam, Chennai and quash the same in respect of the petitioners herein.

2. When the matter is taken up for hearing, the learned counsel for the petitioners / Accused 3 & 4 submitted that the de facto complainant was examined as PW1 in chief on 01.03.2018 and that she has not implicated the petitioners at all.

3. Since the trial has begun, this Court is of the view that it is not in the interest of justice to quash the prosecution in the mid-way.

4. The learned counsel for the petitioners further submitted that Ganeshkumar (A1) and Kousalya (A2) are still in abscondence, but whereas these petitioners are the in-laws of the de facto complainant.

5. In view of the above, this Court directs the trial Court to record the evidence of the prosecution witnesses in duplicate as set out under Section 299 Cr.P.C and complete the trial within a period of three months from the date of receipt of a copy of this order. The petitioners shall file a petition before the trial Court under Section 317 Cr.PC., giving an undertaking that they will not dispute their identity and that the counsel named by them in the affidavit will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288]. On such a petition being filed, the trial Court may liberally consider the same. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mk

To

1.The Metropolitan Magistrate No.II,
Egmore, Allikulam, Chennai.

2.The Inspector of Police
W5, All Women Police Station
Vepery, Chennai-600 007.

3.The Public Prosecutor
High Court, Madras.

+1 CC to DR.R. Sampath Kumar, Advocate sr 31917.

Cr1.O.P.No.12471 of 2018

NRL (CO)
SP(11/05/2018)