

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CrI. O.P. No.21477 of 2012

and

M.P.No.1 of 2012

1.Ramesh
2.Lakshmi
3.Parameswari

... Petitioners/Accused

Vs.

1. The State Rep.by
The Inspector of Police
W.21, All Women Police Station
Guindy, Chennai 600 032.
(Crime No.5 of 2011)

...1st Respondent/Complainant

2.Shanmugavadiyu @ Radhika

...2ndRespondent / Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C, to call for the records in C.C.no.6336 of 2011 on the
file of IX Metropolitan Magistrate, Saidapet, Chennai and quash
the same.

For Petitioners : Mr.S.Mathivanan
for Mr.R.Sankarasubbu

For Respondents : Mr.T.Shunmugarajeswaran for R1
Government Advocate

: Mr.R.Ganeshkumar for R2

ORDER

The present petition has been filed under Section 482 of
Criminal Procedure Code, seeking to quash the entire proceedings
in C.C.No.6336 of 2011 on the file of the IX Metropolitan
Magistrate, Saidapet, Chennai.

2. The petitioners are accused in C.C.No.6336/2011 before
the IX Metropolitan Magistrate, Saidapet, Chennai. The second

respondent/defacto complainant lodged a complaint with the Inspector of Police, All Women Police Station, Guindy, against the petitioners/accused herein, for the alleged offences punishable under Sections 498-A, 406 and 506(i) IPC. The Inspector of Police, All Women Police Station, after conducting investigation filed a final report before the IX Metropolitan Magistrate, Saidapet, in C.C.No.6336/2011 against the present petitioners for the offences punishable under Sections 498-A, 406 and 506(i) IPC.

3. In the present petition, the learned counsel for the petitioners have contended that all the allegations made by the defacto complainant are totally false and that though the second respondent (defacto complainant) left the matrimonial home on 14.10.2010 she has preferred the complaint only in the year 2011.

4. The learned Government Advocate would contend that the first petitioner filed a petition before the trial Court for discharging him from the alleged offences punishable under Sections 498-A, 406 and 506(i) IPC and the same is still pending before the said Court. He would further contend that since an order of stay has been granted by this Court, the learned IX Metropolitan Magistrate, is unable to proceed further in C.C.No.6336/2011.

5. A perusal of the First Information Report and the final report, prima facie, shows that there are enough materials against the present petitioners and therefore, the cognizance taken by the learned IX Metropolitan Magistrate in C.C.No.6336/2011 cannot be faulted with. The allegation that all the contentions of the defacto complainant are false is a disputed questions of fact which cannot be gone into the instant petition filed under Section 482 of Criminal Procedure Code. Furthermore, the Protection of Women from Domestic Violence Act, 2005 does not prescribe any limitation and even otherwise the proceedings cannot be quashed for delay and laches on the part of the complainant. Therefore, I do not find any reason to allow this Petition. Since the case in C.C.No.6336/2011 is pending from the year 2011, the learned IX Metropolitan Magistrate is directed to dispose of the case, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

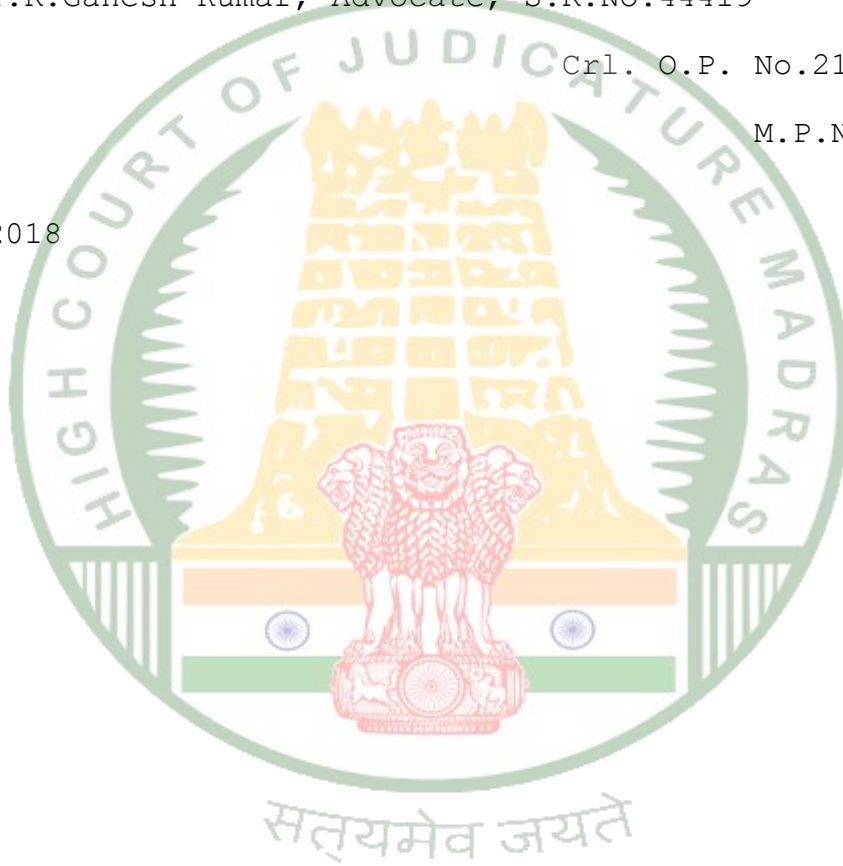
1.The Inspector of Police
W.21, All Women Police Station
Guindy, Chennai 600 032.
(Crime No.5 of 20120)

2.The IX Metropolitan magistrate,
Saidapet, Chennai.

+lcc to Mr.R.Ganesh Kumar, Advocate, S.R.No.44419

Crl. O.P. No.21477 of 2012
and
M.P.No.1 of 2012

MR(CO)
BM 01/08/2018



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