

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.29114 of 2017

and

Crl.M.P.Nos.16448 & 16449 of 2017

and

Crl.M.P.Nos.11537 & 11549 of 2018

1. Govindarajulu

2. Girija

... Petitioners/Accused 2 & 3

vs.

1. State Rep. By

The Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai.

2. Radhika

... Respondents/Complainant/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the proceedings in C.C.No.1265 of 2013 on the file of the Judicial Magistrate, Tambaram and quash the same so far as the petitioners alone.

For Petitioner : Mr.A.Ragunathan
Senior Counsel
for Mr.J. Saravanel

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : Mr.M.Vijayakumar for
Mr.T.R.Ravi

O R D E R

The petitioners are the father-in-law and the mother-in-law of the second respondent. This petition has been filed seeking to quash the proceedings in C.C.No.1265 of 2013 on the file of the Judicial Magistrate, Tambaram.

2. It is seen from records that earlier A1 along with these petitioners have filed Clr.O.P.No.21504 of 2014 before this Court seeking to quash the very same proceedings.

3. When the matter was came up for hearing on 25.11.2016, the learned counsel representing the petitioners withdrew the criminal original petition.

4. Subsequently, the present criminal original petition has been filed challenging the very same proceedings. Admittedly, the earlier criminal original petition was withdrawn by these petitioners along with husband of the second respondent. Therefore, without any change in circumstances, this criminal original petition cannot be entertained by this Court. All the grounds, that are sought to be raised in this criminal original petition, can be raised before the Court below in the course of the proceedings. The Court below shall consider the same on its own merits and in accordance with law.

5. This Criminal Original Petition is disposed of, with a direction to the Court below to complete the proceedings in C.C.No.1265 of 2013 within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

6. Mr.A.Ragunathan, learned Senior counsel for the petitioners would submit that the petitioners are Senior citizens and their presence may be dispensed with before the Court below. The presence of the petitioners shall be dispensed with and they shall be represented by a Counsel before the Court below. The petitioners shall be present before the Court below at the time of 313 questioning and at the time of passing of judgment.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dss
To

1. The Judicial Magistrate Court,
Tambaram.

2. The Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai.

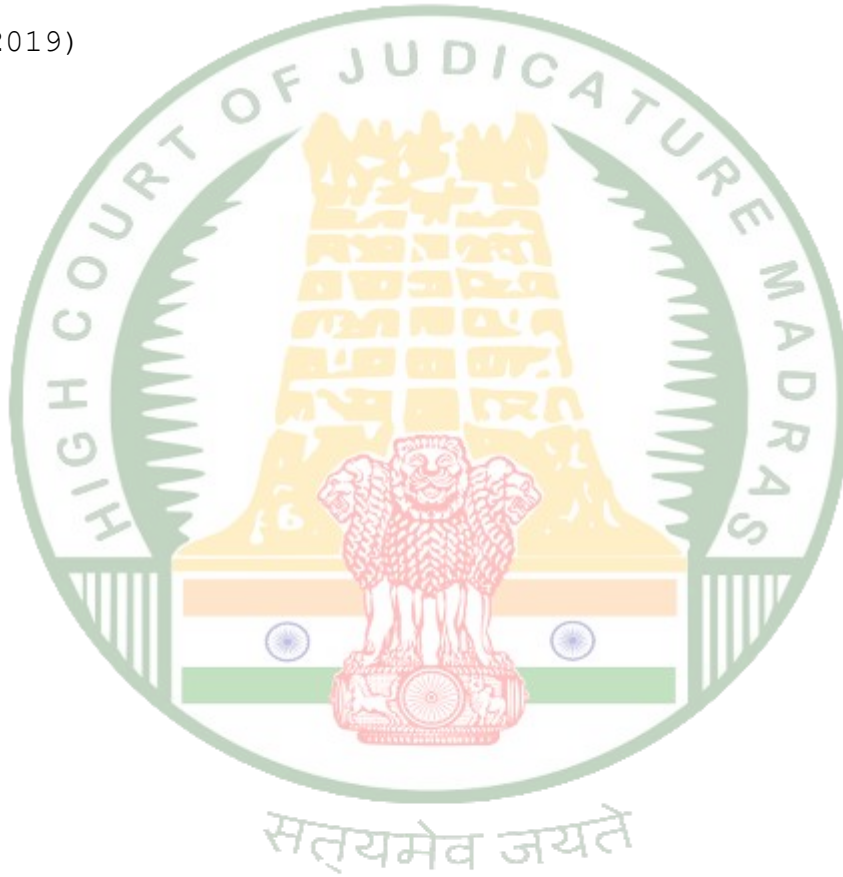
3. Do Thro The Chief Judicial Magistrate
Kancheepuram District.

4. The Public Prosecutor,
Madras High Court, Chennai.

+1 CC to Mr.J. Saravanavel, Advocate sr 89111.

Cr1.O.P.No.29114 of 2017

GJ(CO)
SP(09/01/2019)



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