

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.25905 of 2018

& CRL.MP.NOS.14849 & 14851 OF 2018

1 S.MURUGESAN [PETITIONERS / ACCUSED]
2 V.SHANMUGASUNDARAM
3 S.KUMARI

Vs

1 THE STATE BY, [RESPONDENT]
INSPECTOR OF POLICE,
J13-THARAMANI POLICE STATION,
CHENNAI-600113.
CR.NO.1092 OF 2013.

2 S.MARUDACHALAM [RESPONDENT / DEFACTO COMPLAINANT]

Petitions praying that in the circumstances stated therein the High Court will be pleased to

[i] call for the records relating to S.C.No.310 of 2018 on the file of the Mahila Court (Mahalir Neethimandram), Chennai and quash the CRL.OP.NO.25905 OF 2018

[ii] stay all further proceedings in S.C.No.310 of 2018 on the file of the Mahila Court (Mahalir Neethimandram, Chennai pending disposal of the above Quash CRL.OP.NO.25905 OF 2018 [IN CRL.MP.NO.14849 OF 2018]

[iii] dispense with the personal appearance of the petitioners in S.C.No.310 of 2018 on the file of the Mahila Court (Mahalir Neethimandram, Chennai pending disposal of the above Quash CRL.OP.NO.25905 OF 2018 [IN CRL.MP.NO.14851 OF 2018]

Order : These petitions coming on for orders upon perusing the petition and upon hearing the arguments of M/S.B.KUMARASAMY Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The learned Additional Public Prosecutor takes notice for the first respondent.

2. Notice to the second respondent returnable by six weeks. Private notice is also permitted.

3. On an entire reading of the materials available on record, no *prima facie* case has been made out for the offence under Section 306 of IPC. At the best, there are only materials available against the first petitioner for an offence under Section 498-A of IPC.

4. There shall be a stay of all further proceedings in S.C.No.310 of 2018, on the file of the Mahila Court (Mahalir Neethimandram), Chennai, for a period of six weeks, insofar as, the petitioners 2 and 3 are concerned. The presence of the petitioners 2 and 3 are dispensed with, pending disposal of this Criminal Original Petition.

5. Post the matter after six weeks.

-sd/-
09/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAHILA COURT
[MAHALIR NEETHIMANDRAM], CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
J13-THARAMANI POLICE STATION,
CHENNAI-600113.

+2CC to M/S.S.GUNALAN Advocate on payment of necessary charges
SR NOS.20911, 20912

CRL OP.25905/2018
& CRL.MP.NOS.14849 & 14851 OF 2018

Date :09/11/2018

MK:14/11/2018