



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD).No.15607 of 2018

and

Crl.M.P(MD).Nos. 6890 and 6891 of 2018

1.Packiaraj
2.Shanmugakani
3.Athistaraj

...Petitioners/Accused No.2to4

Vs.

1.State through the
The Inspector of Police
All Women Police Station
Thoothukudi

...Respondent/Complainant

2.Easter Suba

...Respondent/Defacto
Complainant

3.Amirtharaj

...Respondent/Accused No.I

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to the criminal proceedings in C.C.No.94 of 2018 on the file of the learned Judicial Magistrate No.III, Thoothukudi and quash the same as far as these petitioners are concerned.

For Petitioners : Mr.B.N.Raja Mohamed

For R-1

: Mr.Chandra Sekaran

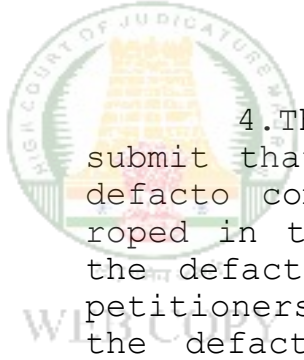
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the criminal proceedings in C.C.No.94 of 2018 on the file of the learned Judicial Magistrate No.III, Thoothukudi and quash the same as far as these petitioners are concerned.

2.Heard the learned counsel appearing for the petitioners and the the learned Additional Public Prosecutor appearing for the first respondent.

3.The petitioners have been arrayed as Accused Nos. 2 to 4 in the final report. The petitioners are father-in-law, mother-in-law and sister-in-law.



4.The learned counsel appearing for the petitioners would submit that the real dispute is between the A1's husband and the defacto complainant and these petitioners have been unnecessarily roped in this case. The learned counsel would further submit that the defacto complainant and A1 are residing separately and these petitioners are residing elsewhere. Therefore, a complaint made by the defacto complainant is totally imaginary and attended with malafide.

5.This Court has gone through the materials on record, the defacto complainant has made allegations against these petitioners and the same is evident from the 161 Cr.P.C statement that has been recorded by the first respondent police. Therefore, at this stage, this Court does not want to interfere with the final report.

6.However, taking into consideration the fact that these petitioners are only in-laws, the presence of the petitioners before the lower Court shall be dispensed with a condition that they will be present at the time of answering the charges and at the time of questioning under Section 313 Cr.P.C and at the time of passing the Judgment. It is made clear that the petitioners can raise all the grounds that has been raised in this Criminal Original Petition before the Court below.

7.Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate No.III,
Thoothukudi.

2.The Inspector of Police
All Women Police Station
Thoothukudi

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.B.N.Raja Mohamed, Advocate, SR.No.81942

Cr1.O.P.(MD).No.15607 of 2018
03.09.2018

MSA