



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.17036 of 2018

and

Crl.M.P.(MD) No.7526 and 7527 of 2018

1.Harish
2.Balkarasu
3.Mallika

... Petitioners

Vs.

1.State through the Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
in Crime No.29 of 2016

2.Divya

...Respondent/De facto
complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.177 of 2018 pending on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi and to quash the same.

For Petitioner : Mr.R.Rajamohan

For R-1 : Mr.M.Chandra sekaran,
Additional Public Prosecutor.

For R-2 : Mr.S.T.Sasidharan Tamil Kani

ORDER

This Criminal Original Petition has been filed seeking to quash the final report filed in C.C.No.177 of 2018 on the file of the Principal District Munsif Cum Judicial Magistrate, Karaikudi.

2.Heard learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the first respondent and the learned counsel for the second respondent.

3.The grounds that has been raised by the learned counsel for the petitioner are factual in nature and the same has to be decided only during the course of trial.

4.The learned counsel appearing for the petitioner has also raised a further contention that Section 4 of TNPHW Act has also been mentioned in the final report and the same is not attracted in the facts of the case. Admittedly the Court below is yet to frame



the charges in the case. Therefore, the Court below will take into consideration the final report and the statement made by the witnesses and only thereafter will frame the charges on the available materials. Therefore, this Court does not want to exercise the jurisdiction under Section 482 Cr.P.C at this stage.

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5.The petitioners are at liberty to raise all the grounds before the Court below during the course of trial and the Court below shall consider the same on its own merits.

6.The second and third petitioners are father-in-law and mother-in-law and are aged persons. Therefore the presence of the second and third petitioners are dispensed with during the proceedings and they shall be represented by the learned counsel. The second and third petitioners shall appear before the Court at the time of 313 Cr.P.C., questioning and at the time of passing of Judgment. The learned counsel representing the second and third petitioners shall examine the witnesses on the same day, when the witnesses are examined in chief. The first petitioner shall appear before the Court below on all hearing dates without fail.

7.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

cp
To

1.The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.

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

+1cc to Mr.R.Rajamohan, Advocate in SR No.86367

+1cc to Mr.S.T.Sasidharan Tamil Kani, Advocate in SR No.86964

Cr1.O.P. (MD) No.17036 of 2018