



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM

THE HONOURABLE MR. JUSTICE **P. RAJAMANICKAM**

Crl.O.P.(MD)No.11080 of 2017

and

Crl.M.P(MD).Nos.9123, 7567 & 7568 of 2017

V.Balasubramanian

... Petitioner/Accused No.1

Vs.

1. State Represented by Inspector of Police

All Women Police Station,

Pattukkottai, Thanjavur District.

Crime No.5/2003

... Respondent/Complainant

2.Vadanasundari

... Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the charge sheet filed in C.C.No.1460 of 2004 on the file of the Judicial Magistrate Court, Pattukkottai, Thanjavur District and quash the same.

For Petitioner : Mr.AN.Ramanathan

For Respondent 1 : Mr.A.P.G.Ohm Chairma Prabhu

O R D E R

This criminal original petition has been filed by accused No.1 to quash the charge sheet filed in C.C.No.1460/2004 on the file of the Judicial Magistrate, Pattukkottai.

2.The learned counsel for the petitioner submitted that based on the complaint given by the Second respondent who is the wife of the petitioner, the first respondent has filed a charge sheet under Sections 498(A) & 494 of IPC and Sections 4 and 6 of the Dowry Prohibition Act r/w 109 of IPC., against the petitioner, his parents and his brother. Based on the said charge sheet a case has been taken on file in C.C.No.1813/2003. Subsequently the case against the petitioner herein has been split up and taken on file as C.C.No.1460/2004. He further submitted that there is no evidence to attract Sections 498(A), 494 of IPC and Sections 4 and 6 of the Dowry Prohibition Act. He further submitted that the second respondent is now permanently settled at China and the allegations made in the complaint are totally false and hence the charge sheet has to be quashed. He further submitted that since the petitioner is working as Scientist in U.S.A, he did not appear before the trial Court and hence Non Bailable Warrant was issued against him and the same is still pending.



3.The learned counsel appearing for the second respondent has submitted that the complaint as well as the statements recorded under section 161 of Cr.P.C., would show that a prima facie case is made out and therefore the charge sheet cannot be quashed at this stage. The learned Government Advocate has adopted the arguments of the learned counsel for the second respondent.

4.Though the petitioner has asked larger relief, without going into the merits of the case, considering the representation made by the learned counsel for the petitioner that the petitioner is working as Scientist in U.S.A., the petitioner is directed to appear before the Judicial Magistrate, Pattukkottai, with a petition to recall the warrant and on his appearance the learned Judicial Magistrate has to consider and dispose of the petition on the same date. Charges have to be framed on the same date and the petitioner should be questioned with regard to the charges and thereafter his personal appearance before the trial Court to be dispensed with. It is open to the learned Judicial Magistrate to give direction for the appearance of the petitioner whenever his personal appearance is required. Considering the fact that the above case is pending for the past 14 years, the learned Judicial Magistrate is directed to dispose of the case in C.C.No.1460/2004 at early preferably within six months.

5.With the aforesaid observations, this petition is disposed of. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Pattukkottai.
2. The Inspector of Police,
All Women Police Station,
Pattukkottai, Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.Muthu Saravanan, Advocate Sr.No.46613

+1cc to Mr.AN.Ramanathan, Advocate Sr.No.46666

TM/CP

VB/KK/SAR1/21.02.2018/2P/6C