



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) .No.16679 of 2013

and

M.P. (MD) .No.1 of 2013

1. A.Guruvammal

2. B.Lathadevi

... Petitioners/A-2 & A3

Vs.

1. State represented by
the Inspector of Police,
All Women Police Station,
Virudhunagar.

2. Hemasankari

... Respondents

Prayer: The Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in C.C.No.73 of 2013 pending on the file of the learned Judicial Magistrate No.II, Virudhunagar District and quash the same.

For Petitioners : Mr.N.Mohideen Basha

For R1 : Mr.K.V.Rajarajan
Government Advocate (Crl.side)

For R2 : Mr.G.Mariappan

O R D E R

The petitioner has filed this Criminal Original Petition for quashing the C.C.No.73 of 2013 on the file of the Judicial Magistrate No.II, Virudhunagar District.

2. The petitioners are figuring as accused Nos.2 and 3 in C.C.No.73 of 2013 on the file of the Judicial Magistrate No.II, Virudhunagar. The first petitioner is the mother-in-law, while the second petitioner is the sister-in-law.



3. The learned counsel for the petitioners submits that he will not press the application insofar as the first petitioner/mother-in-law is concerned. So, this Criminal Original Petition is dismissed as withdrawn as regards the first petitioner and all the defences available to her are left open. The trial Magistrate shall not insist on the physical presence of the first petitioner on every hearing date. The first petitioner shall be called upon to appear before the trial Court at the time of trial, at the time of examination under Section 313 of Cr.P.C. and at the time of pronouncement of judgment and on all other occasions, the petitioner can be represented through her counsel. The relief of dispensing with the personal appearance is given, taking note of her old age.

4. As regards the second petitioner herein, it is seen that she is only sister-in-law of the *de facto* complainant. This Court went through the statements recorded under Section 161 of Cr.P.C. It is seen that only in one place, in an omnibus fashion, the second petitioner has been implicated along with the other in-laws.

5. This Court is of the view that the core dispute is only between the *de facto* complainant and her husband. The sister-in-law / second petitioner has also been included in this case probably out of ill-will. This Court is of the view that the implication of the second petitioner herein as an accused in this case is more to wreak vengeance. Therefore, the impugned proceedings in C.C.No.73 of 2013 are quashed as far as the second petitioner is concerned. Accordingly, the Criminal Original Petition is partly allowed. It is specifically made clear that it will not be open to the remaining two accused to take advantage of this order quashing the proceedings insofar as the second petitioner is concerned. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Virudhunagar.



2 The Inspector of Police,
All Women Police Station,
Virudhunagar.

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

+1 cc to M/S.N.MOHIDEEN BASHA, ADVOCATE IN SR No. 63657

+1 cc to M/S.G.MARIAPPAN, ADVOCATE IN SR No.63425

Cr1.O.P.(MD) .No.16679 of 2013
25.04.2018

AKV

PK/CM-PN/SAR-1/15.05.2018 : 2P/6C