

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.25029 of 2013
and
Cr1.M.P.No.1 of 2013

1.I.Malliga
2.J.Sasikala : Petitioners/Accused 2 & 3

Vs.

1.The Inspector of Police,
D4-Police Station,
R.K.Pettai,
Pallipet Taluk,
Thiruvallur District- 631 303. : Respondent 1/Complainant

2.M.Kaleeswari : 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the Final Report in C.C.No.329 of 2009 on the file of the Judicial Magistrate, Thiruttani and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.S.Doraisamy

For R1 : Mr.R.Raghavan
Government Advocate (Cr1.Side)

For R2 : Service awaited

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ORDER

The first respondent police registered a case against the petitioners herein and one another, the husband of the second petitioner herein, based on the complaint given by the second respondent herein in Cr.No.333 of 2007 for the offences under Section 417, 420 and 506(ii) IPC.

2. The respondent police after investigation, laid a charge sheet before the learned Judicial Magistrate, Thiruttani. The learned Judicial Magistrate, Thiruttani has also taken the charge sheet on file in C.C.No.329 of 2009. During the pendency of C.C.No.329 of 2009, the petitioners herein filed the present petition under Section 482 Cr.P.C., to quash the case in C.C.No.329 of 2009 pending on the file of the learned Judicial Magistrate, Thiruttani.

3. The learned counsel for the petitioner would submit that the first petitioner herein is the sister of A1 and the second petitioner herein is the wife of A1. All the allegations levelled by the second respondent is only against A1 and not against the present petitioners. Therefore, there are no allegations and there is no prima facie materials against these petitioners. Therefore, the case against these petitioners is liable to be quashed.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the allegations against these petitioners are comes under Section 506(ii) IPC. The second respondent has stated that these petitioners also threatened her. Even the statement recorded under Section 161 Cr.P.C. also clearly shows that the petitioners have threatened the second respondent. After framing charges, trial also commenced and P.W.1 and P.W.2 have been examined in chief. There is no reason to quash the case under these circumstances.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials available on record.

6. Admittedly, the case has been filed against these petitioners and they are arrayed as A2 and A3. The first petitioner herein is the sister of the A1 and the second petitioner is the wife of A1. On a careful reading of the complaint, First Information Report, Charge Sheet and also the statement recorded under Section 161 Cr.P.C. by the police during the investigation, it is clear that these petitioners have also threatened the second respondent/defacto complainant. Further, in this case the trial has also been commenced and P.W.1 and P.W.2 have been examined in chief. Hence, in my view, this is a matter to be decided by the Trial Court and it would not be appropriate for this Court to invoke power under Section 482 of Cr.P.C.

7. This Court finds that there is no ground to quash C.C.No.329 of 2009, on the file of the Judicial Magistrate, Thiruttani, as against these petitioners.

8. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

sbn

To

1.The Judicial Magistrate,
Thiruttani.

2.The Inspector of Police,
D4-Police Station,
R.K.Pettai,
Pallipet Taluk,
Thiruvallur District- 631 303.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Doraisamy, Advocate, SR.No.96636.

Cr1.O.P.No.25029 of 2013
and
Cr1.M.P.No.1 of 2013

MR (CO)
CSR: 25.02.2020

सत्यमेव जयते
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