

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.29002 of 2013
and M.P.Nos.1 and 2 of 2013

1.Unnamalai
2.Manimekalai
3.Selvaraj

..Petitioners

Vs.

1.State rep. By
Inspector of Police
G-2 Periamet Police Station
Chennai-600 003
Crime No.1250 of 2012

2.R.Gomathi

..Respondents

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for the records in S.C.No.280 of 2013 on the file of learned Sessions Judge, Magalir Neethimandram (Sessions Court), Chennai and quash the same.

For Petitioners : Mr.P.Prince Premkumar
for Mr.K.Shivakumar

For Respondents : Mr.R.Suriya Prakasam
Govt. Advocate (Criminal Side)
for R1

ORDER

The petitioners herein are arrayed as A2 to A4 in S.C.No.280 of 2013. During the pendency of the case in S.C.No.280 of 2013, the petitioners have filed the present Crl.O.P., seeking to quash the case against them.

2. The learned counsel for the petitioners has mainly contended that 1st petitioner is the mother of A1, 2nd petitioner is the sister of A1 and 3rd petitioner is the brother-in-law of A1 and that they are no way connected with the case. The charge against them is under Section 294(b) IPC. It is further contended that the petitioners are illiterate and that the 1st petitioner was aged person at the time of occurrence. He added that defaco complainant and her family members could not have

come to the petitioners house and therefore, it is a false allegation. Further, the learned counsel submits that more than that, the first petitioner died and therefore, the case has to be quashed.

3. The learned Government Advocate [Criminal Side] would submit that already charges framed and trial already commenced and so far, 21 witnesses have been examined. Since prima face allegations are made out in the investigation and charge already framed against the accused persons, this court is not inclined to quash the case in S.C.No.280 of 2013. However, since it is reported that 1st petitioner-Unnamalai died, the proceedings abates as against 1st petitioner. As far as petitioners 2 and 3 are concerned, they are at liberty to take their defense before the trial court.

4. With the above observation, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Sessions Judge,
Magalir Neethimandram
(Sessions Court), Chennai.
- 2.The Inspector of Police
G-2 Periamet Police Station
Chennai-600 003
- 3.The Public Prosecutor,
Madras High Court, Chennai -104.

+1 cc to M/s.K.Shivakumar,Advocate Sr.No. 102894

AKM/24.01.2020/2P-5C /

Cr1.O.P.No.29002 of 2013