

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.2180 of 2019

and

Cr.1.M.P.Nos.1410 & 1413 of 2019

1. N.Sagayam

2. N.Vimal

3. N.Masilamani

... Petitioner/Accused No.2, 6 & 8

Vs.

Tmt.Prabhavathi

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the private complaint in C.C.No.501 of 2011 on the file of the Judicial Magistrate, Tambaram and quash the same.

For Petitioner : Mr.Ganesh Moorthy

ORDER

This petition has been filed to quash the proceedings in C.C.No.501 of 2011 on the file of the Judicial Magistrate, Tambaram.

2. The petitioners have been added as A2, A6 and A8 in the final report.

3. The learned counsel for the petitioners submitted that the first and third petitioners are the brothers of the father-in-law and the second petitioner is the brother-in-law of the defacto complainant. These petitioners have been roped in as accused persons with the only allegation that they have arranged the marriage and no specific overact has been ascribed as against these petitioners. Therefore, the learned counsel submitted that the entire proceedings is an abuse of process of Court.

4. It is seen that earlier the discharge petition filed by these petitioners along with the other accused persons was dismissed, which was also confirmed by this Court in Revision. Thereafter, the present petition has been filed seeking to quash

the proceedings. This Court does not want to interfere with the proceedings at this stage, since the Calender case is of the year 2011.

5. The learned counsel for the petitioners requested this Court to dispense with the appearance of these petitioners before the Court below.

6. Taking into consideration, the facts and circumstances of the case, the presence of these petitioners are dispensed with and they shall be represented by their counsel. The petitioners shall present before the Court at the time of framing charges, at the time of questioning under Section 313 of Cr.P.C and at the time of passing of judgment. The counsel representing the petitioners shall cross-examine the witness on the same day when they are examined in chief.

7. The Court below is directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

dss

To

The Judicial Magistrate, Tambaram.

+1cc to Mr.Ganeshmurthy, Advocate SR.No.7441

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GMV (04/03/2019)