

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.11878 of 2019

and

CrI.M.P.Nos.6153 & 6155 of 2019

1.R.Marimuthu
2.R.Gandhimathi

... Petitioners

Vs.

1.The State rep. by
The Inspector of Police
Rajapalayam North Police Station
Rajapalayam, Virudhunagar District
(Crime No.332 of 2016)

2.The State rep. by
The Inspector of Police
Thirumullaivoyal Police Station
Cholambedu, Chennai 600 109
(Crime No.1661 of 2017)

3.P.Padma

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the P.R.C.No.13 of 2019 on the file of the Judicial Magistrate, Ambattur in Crime No.1661 of 2017 on the file of the 2nd respondent herein (formerly Crime No.322 of 2016 on the file of the 1st respondent) and quash the same.

For Petitioners : Mr.S.Kumaradevan

For Respondents : Mr.M.Mohamed Riyaz

Addl. Public Prosecutor for R1 & R2

ORDER

This Criminal Original Petition has been filed by the petitioners under Section 482 Cr.P.C. to call for the records relating to the P.R.C.No.13 of 2019 on the file of the learned Judicial Magistrate, Ambattur in Crime No.1661 of 2017 on the file of the 2nd respondent herein (formerly Crime No.322 of 2016 on the file of the 1st respondent) and quash the same.

2.The learned counsel for the petitioner would submit that due to the 3rd respondent's political pressure, the 1st respondent herein registered the case and the 2nd respondent herein filed a charge sheet for the alleged offence u/s.498(A, 495, 294(b), 323, 506(i) IPC Section 4 of Dowry Prohibition Act, 1961 and Section 3(1)(r) of SC & ST (Prevention of Atrocities) Amendment Act, 2015 before the learned Judicial Magistrate, Ambattur, who insisted the petitioners herein to conduct the case as soon as possible and the case is posted to 16.05.2019 for ascertaining the stage of the case of perusal of records. Though there are no offences made out in the charge sheet and having no other option except to invoke Section 482 Cr.P.C. for quashing the charge sheet filed in P.R.C.No.13 of 2019 on the file of the learned Judicial Magistrate, Ambattur in Crime No.1661 of 2017 on the file of the 2nd respondent.

3.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor.

4.It is also relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in CrI.A.No.579 of 2019 dated 02.04.2019 in the case of Devendra Prasad Singh Vs. State of Bihar & Anr., as follows:-

" 12.So far as the second ground is concerned, we are of the view that the High Court while hearing the application under Section 482 of the Cr.P.C. had no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and, therefore, there was no prima facie case made out against respondent No.2. In our view, this could be done only in the trial while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order passed by the Trial Court but not in Section 482 Cr.P.C. proceedings.

13.In view of the foregoing discussion, we allow the appeal, set aside the impugned order and restore the aforementioned complaint case to its original file for being proceeded with on merits in accordance with law.

5.Therefore, all the points raised before this Court shall be considered only at the time of trial. Hence, this Court is

not inclined to quash the proceedings in P.R.C.No.13 of 2019 pending on the file of the learned Judicial Magistrate, Ambattur. However, considering the facts and circumstances of the case, the Trial Court is hereby directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To.

1. The Judicial Magistrate
Ambattur

2. The Inspector of Police
Rajapalayam North Police Station
Rajapalayam, Virudhunagar District

3. The Inspector of Police
Thirumullaivoyal Police Station
Cholambedu, Chennai 600 109

4. Public Prosecutor
High Court of Madras

+1 CC to Mr.S.Kumaradevan, Advocate sr 41779.

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SP(28/05/2019)