

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 20107 of 2014
and MP.No.1 of 2014

P.John Prathab

.. Petitioner

Vs.

1.State rep. By,
The Inspector of Police,
All Women Police Station,
Chengalpattu.
(Cr.No.2 of 2014)

2.S.Sheeba (A) Sheeba Lourdes
.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.20 of 2014 pending on the file of Additional Mahila Court, Chengalpattu and quash the charges levelled against the petitioner herein.

For Petitioner : Mr.R.Vivekanandan for Sai Kumaran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For 2nd Respondent : Mr. J.Saravana Vel

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking to quash the C.C.No.20 of 2014 pending on the file of the learned Additional Mahila Court, Chengalpattu.

2. It is seen that there are specific allegations as against the petitioner and the charge filed under sections 498 (a) and 406 of IPC is made out from the allegations made in the statement of De-facto complainant and other witnesses. Therefore, the points raised by the petitioner cannot be considered here and the points raised only during the trial.

3. The learned counsel for the petitioner relied upon the recent Judgment of the Hon'ble Supreme Court reported in

(2009) 10 SCC 184, read as follows:-

"10. When we see the complaint, the complaint is sadly vague. It does not show as to which accused has committed what offence and what is the exact role played by these appellants in the commission of offence. There could be said something against Rajesh, as the allegations are made against him more precisely but he is no more and has already expired. Under such circumstances, it would be an abuse of the process of law to allow the prosecution to continue against the aged parents of Rajesh, the present appellants herein, on the basis of a vague and general complaint which is silent about the precise acts of the appellants.

11. The High Court has merely mentioned that the allegations in the complaint are of retaining jewellery articles in possession of the husband and the petitioners. Now if the articles were in the possession of the husband, there is no question of the present appellants being in possession of the jewellery. This is apart from the fact that it has already been expressed by us that there is no mention of the date on which the said ornaments, if any, were entrusted to the appellants or even the date when they were demanded back and were refused to be given back by the appellants or any one of them. Insofar as the offence under section 498-A IPC is concerned, we do not find any material or allegation worth the name against the present appellants. All the allegations appear to be against Rajesh."

The case on hand, there are specific averments as against the petitioner. Therefore, all the points raised by the petitioner cannot be considered.

4. Accordingly, this Criminal Original Petition is dismissed with a direction to the Trial Judge to complete the trial, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

mpa/lpp

To

1.The Additional Mahila Court,
Chengalpattu.

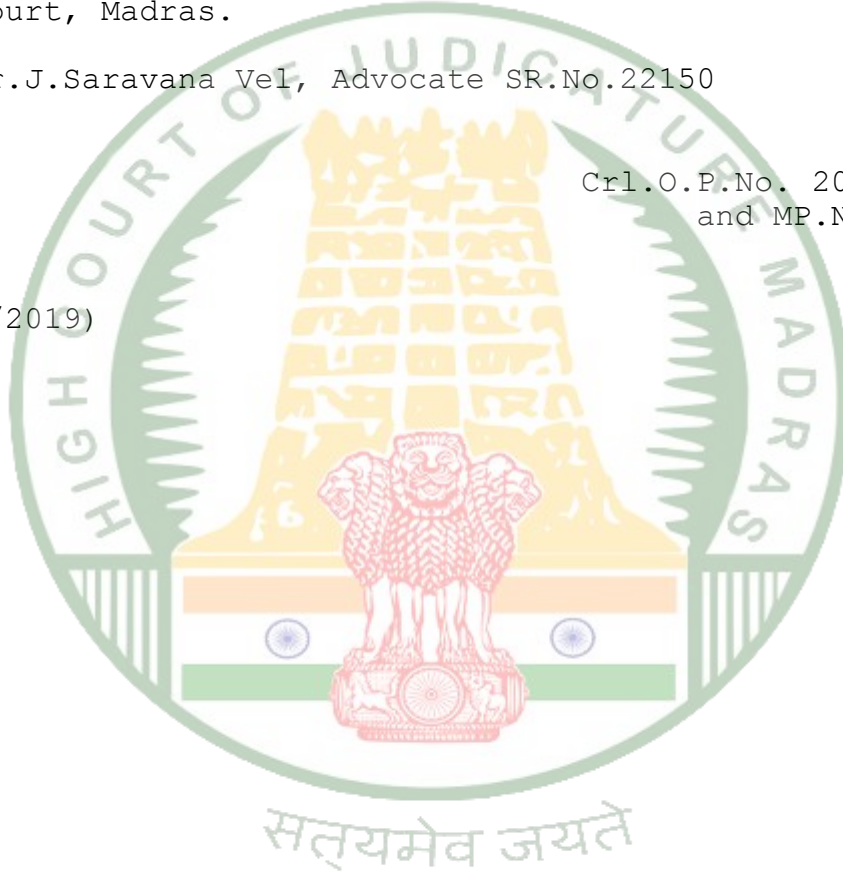
2.The Inspector of Police,
All Women Police Station,
Chengalpattu.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Saravana Vel, Advocate SR.No.22150

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SP(CO)
GMY(01/04/2019)



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