

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.15296 & 3671 of 2019
and Crl.M.P Nos.7469 & 2291 of 2019

Ayesha Begum

..Petitioner/Petitioner/Defacto
Complainant Crl.O.P.No. 15296 of 2019

1. Yasin Basha
2. Yacoob Basha
3. Hameeda Begum

Petitioners/Accused 1 to 3
in Crl.O.P.No.3671 of 2019

vs.

1. The State Rep. by
The Inspector of Police,
W2, All Women Police Station,
Triplicane, Chennai

..1st Respondent/Respondent/
Complainant in both Crl.O.Ps

2. Yaseen Basha
3. Yakoob Basha
4. Hameedha Begum

2 to 4 Respondents/Respondents/
Accused 1 to 3
in Crl.O.P.No.15296 of 2019

Ayisha Begum

2nd Respondent
in Crl.O.P.No.3671 of 2019

PRAYER in Crl.O.P.No.15296 of 2019: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Chief Metropolitan Magistrate, Allikulam, Chennai dated 07.05.2019 in Crl.M.P.No.363 of 2018 in C.C.No.3045 of 2017.

PRAYER in Crl.O.P.No.3671 of 2019: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.3045 of 2017 in Crime No.8 of 2014 on the file of the learned Chief Metropolitan Magistrate, Allikulam, Chennai and quash the proceedings as null and void.

For Petitioners: Mr.A.Mohan
in Crl.O.P.No.15296 of 2019

No Appearance
in Crl.O.P.No.3671 of 2019

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 in both Crl.O.Ps

Mr.A.Mohan for R2
in Crl.O.P.No.3671 of 2019

COMMON ORDER

Crl.O.P.No.3671 of 2019 has been filed before this Court challenging the proceeding in C.C.No.3045 of 2017. Crl.O.P.No.15296 of 2019 has been filed before this Court by the defacto complainant for permission to conduct the prosecution.

2. The learned counsel for the petitioner appearing in Crl.O.P.No.15296 of 2019 raised various grounds, questioning the maintainability of the final report. All the grounds that have been raised by the learned counsel for the petitioner are factual in nature and it requires appreciation of evidence, which this Court cannot do in exercise of its powers under Section 482 of Cr.P.C. It is also brought to the notice of this Court that the charges have already been framed and the case is at the stage of trial. This Court is not inclined to interfere with the proceedings at this stage.

3. Insofar as the petition filed by the defacto complainant is concerned, the Court below has rejected the petition on the ground that the case is being effectively conducted by the prosecutor and the petitioner can always assist the prosecution and she cannot be permitted to conduct the prosecution through her pleader.

4. This Court is not able to find any illegality or infirmity in the order passed by the Court below and there are absolutely no grounds to interfere with the same.

5. These Criminal Original Petitions are disposed of with a direction to the Court below to complete the proceedings in C.C.No.3045 of 2017 within a period of three months from the date of receipt of copy of this order. The presence of the petitioners 2 and 3 in CrI.O.P.No.3671 of 2019 is dispensed with and they shall be represented by a counsel. The proceedings shall be conducted on a day-to-day basis without granting any unnecessary adjournments. The 2nd & 3rd petitioners in CrI.O.P.No.3671 of 2019 shall appear before the Court below at the time of questioning under Section 313 of Cr.P.C. and at the time of passing final judgement. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

ssr
To

1. The Chief Metropolitan Magistrate, Egmore
Allikulam, Chennai
2. The Inspector of Police,
W2, All Women Police Station,
Triplicane, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Madras.

CrI.O.P Nos.15296 & 3671 of 2019
and CrI.M.P Nos.7469 & 2291 of 2019

RJI (CO)
SP(18/07/2019)

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