

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.15761 of 2019
and
Crl.M.P.Nos.7883 & 7885 of 2019

Rajesh

...Petitioner/Accused I

Vs.

1. State rep. By its
The Inspector of Police,
All Women Police Station,
Ulundurpet,
Villupuram District
(Crime No.22 of 2018)

2.Jagadeeswari ...Respondents/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.75 of 2019 on the file of the Judicial Magistrate - II, Ulunthurpet and quash the same.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the final report before the Court below by the respondent Police which has been taken cognizance by the Court below for the offence under Sections 498A, 294b and 352 IPC.

2.The petitioner is the husband and the defacto complainant is the wife. Initially the complaint has been filed against the petitioner and his parents and at the time of filing of the final report, the respondent Police dropped the name of both the parents and the final report has been filed only insofar as the petitioner is concerned.

3.The learned counsel for the petitioner raised several

grounds which are all in factual nature and it requires appreciation of evidence and this Court cannot undertake the said exercise sitting in jurisdiction under Section 482 of Cr.P.C., The Court below is directed to consider the issue independently on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings at this stage.

4.The learned counsel for the petitioner requested the presence of the petitioner to be dispensed with before the Court below. Taking into consideration the facts and circumstances of the case, the presence of the petitioner is dispensed with. The petitioner shall be represented by a counsel. The petitioner shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C and at the time of passing of the final judgment. The counsel representing the petitioner shall cross-examine the witnesses on the same day when they are examined in-chief and the petitioner shall not dispute the identity to any witness.

5. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.75 of 2019, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate - II,
Ulunthurpet.

+1cc to Mr.R.Sasikumar, Advocate, S.R.No. 50720

WEB COPY

CRL.O.P.No.15761 of 2019

and

CrI.M.P.Nos.7883 & 7885 of 2019

VG II(CO)
GN(22/07/2019)