IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.24423 of 2017
and
Crl.M.P.Nos.14128, 14129 of 2017 & 17562 of 2018

1.V.Vinod,
2.P.V.Venkatarathinam,
3.Mrs.Jayanthi. ... Petitioners

Vs.

1.The Inspector of Police,
W-13, All Women Police Station,
Tondiarpet,
Chennai-600 028.

2.V.R.Rajalakshmi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.967 of 2017 on the file of the learned Metropolitan Magistrate, George Town at Chennai and quash the proceedings emanating from the FIR registered in Crime No.12 of 2016 on the file of the 1st respondent Police (Inspector of Police) W-13 All Women Police Station, Tondiarpet, Chennai-600 081.

For Petitioners : Mr.R.Abdul Mubeen

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : Mr.R.John Sathyan

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O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.967 of 2017, pending on the file of the XV Metropolitan Magistrate, George Town, Chennai.

2.The respondent Police filed an F.I.R. before the Court below for the offence under Sections 498A and 406 of IPC as against these petitioners. It is brought to the notice of this

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Court that already two witnesses have been examined in this case and the case is posted for examination of P.W.3 and P.W.4. There are totally eight witnesses shown in the list of witnesses.

3.In view of the above, this Court is not in a position to interfere with the proceedings and the grounds raised by the petitioners will have to be agitated only before the Court below and the same shall be considered on its own merits and in accordance with law.

4.The learned counsel for the petitioners would submit that the presence of the 2nd and 3rd petitioners may be dispensed with considering the fact that they are senior citizens.

5.In the facts and circumstances of the case, the presence of the 2nd and 3rd petitioners is dispensed with and they shall be represented by a counsel. The 2nd and 3rd petitioners shall be present before the Court at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. The learned counsel representing the 2nd and 3rd petitioners shall examine the witnesses on the very same day, they are examined in chief.

6.The learned counsel for the 2nd respondent submitted that going by the allegations made in the final report, the case may be transferred to the Mahila Court, Chennai. The learned counsel further submitted that there is no Magistrate in the concerned Court for more than one year and the case is kept pending.

7.Taking note of the submissions made by the learned counsel for the 2nd petitioner, the proceedings in C.C.No.967 of 2017, pending on the file of the learned XV Metropolitan Magistrate, George Town, Chennai, shall be transferred to Mahila Court, Chennai. The case records shall be transferred immediately to the file of Mahila Court, Chennai, and the Mahila Court shall thereafter proceed further with the trial and complete the proceedings as expeditiously as possible.

8.This Criminal Original Petition is disposed of with the above directions. Connected miscellaneous petitions are also closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.

2.The Inspector of Police,
W-13, All Women Police Station,
Tondiarpet,
Chennai-600 028.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.24423 of 2017
and
Crl.M.P.Nos.14128, 14129 of 2017
& 17562 of 2018

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