

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.17816 of 2017 and
Crl.M.P.Nos.10891 & 10892 of 2017 and
Crl.M.P.No.5812 of 2018

1.R.Sundaravadivelu
2.S.Vanaja

...Petitioners

-Vs-

1. The Inspector of Police,
W22, All Women Police Station,
Mylapore,
Chennai - 600 004

2. K.Abirami

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the proceedings in C.C.No.5245 of 2017 now pending on the file of the 18th Metropolitan Magistrate, Saidapet, Chennai

For Petitioners : Mr.A.G.Abhisheak,
for M/s.A.L.Ganthimathi

For Respondents

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

For R2 : Mr.K.Raja

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.5245 of 2017 on the file of the 18th Metropolitan Magistrate, Saidapet, Chennai, having been taken cognizance for the offences punishable under Section 498(a) and 406 I.P.C.

2. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime

No.13 of 2017 for the offences under Section 498(a) and 406 I.P.C., as against the petitioners. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that in C.C.No.5245 of 2017, trial has been commenced and the prosecution has examined PW1 and the case has been posted for further evidence. Therefore, this petition to quash the entire proceedings cannot be considered now. Hence, he prayed for dismissal of this petition.

4. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent, and the learned counsel for the second respondent.

5. It is seen that in C.C.No.5245 of 2017, the prosecution has examined PW1 and the case has been posted for further evidence. At this stage, this quash petition cannot be considered. More over all the points raised by the petitioners have to be considered only during the trial. Therefore, the petitioners are at liberty to raise all the points before the Court below during the trial. However, the personal appearance of the petitioners is dispensed with and they shall be represented by a counsel after filing appropriate application. The petitioners shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. Further considering the case is of the year 2017, the trial Court is directed to complete the trial proceedings within a period of three months from the date of receipt of copy of this Order.

6. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Inspector of Police,
W22, All Women Police Station,
Mylapore, Chennai - 600 004

2. The 18th Metropolitan Magistrate,
Saidapet, Chennai

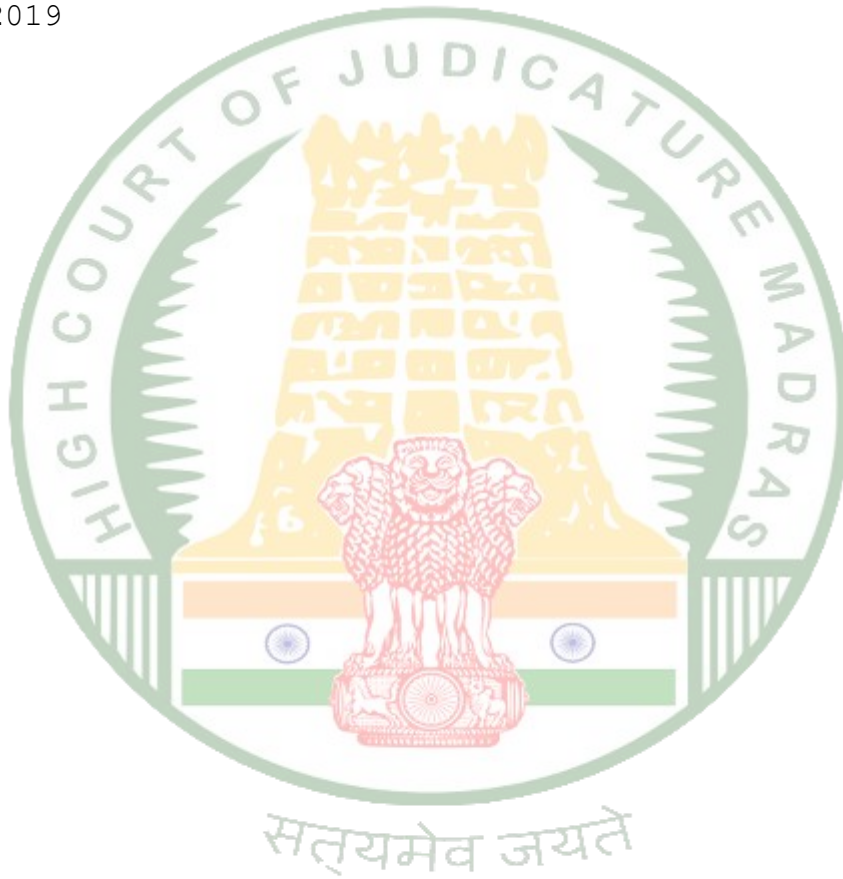
3. The Additional Public Prosecutor,
High Court of Madras

+1cc to M/s.A.L.Ganthimathi, Advocate, S.R.No.41622

+1cc to Mr.K.Raja, Advocate, S.R.No.41130

Crl.O.P.No.17816 of 2017

SS (CO)
CS/05/07/2019



WEB COPY