

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.17957 of 2017

J.Sherilya Elma

...Petitioner/Defacto Complainant

Vs.

1. The State Rep by its,
The Inspector of Police
All Women Police Station,
Thudiyalur,
Coimbatore District.

2. Samuel Dinakar
3. Baby
4. Arulanandam Selvaraj
5. Sheeba
6. Joys
7. Raju

....Respondent/Complainant/Accused

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to file an interim petition under Section 53 of Criminal Procedure Code based on the representation dated 16.06.2017 in C.C.No.158 of 2013 on the file of Judicial Magistrate Additional Mahila Court at Coimbatore for sending medical examination of 1st respondent and to assess his impotency.

For Petitioner : Mr.K.Mayilsamy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1

Mr.S.Sathish Rajan for R2 to R7

ORDER

This petition has been filed for a direction to the respondent police to file a petition under Section 53 of Cr.P.C. to send the 1st respondent for medical examination.

2. The learned Additional Public Prosecutor on instructions submitted that the case is now at the stage of trial and sometime may be fix for the completion of the proceedings.

3. The learned counsel for the respondents 2 to 7 submitted

that the final report has been filed under Section 406, 498(a) IPC and Section 4 of the Dowry Prohibition Act and there is no requirement to send the husband for medical examination. The learned counsel further submitted that the petitioner is not appearing before the Court for cross-examination and there is absolutely no progress in this case.

4. The learned counsel for the petitioner submitted that husband of the petitioner should be sent for medical examination since the cruelty is due to the fact that the husband of the petitioner is not having cohabitation with the petitioner.

5. Taking into consideration the facts and circumstances of the case, this Court cannot grant the relief as prayed for by the petitioner. This decision to be taken by the court below, based on the materials collected during the course of trial.

6. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.158 of 2013, within a period of four months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate Additional Mahila Court,
Coimbatore

2. The Inspector of Police
All Women Police Station,
Thudiyalur, Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Myilsamy, Advocate, S.R.No. 66766

+1cc to Mr.S.Sathish Rajan, Advocate, S.R.No. 66463

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PPA(CO)
GN(07/08/2019)