

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.30300 of 2018
and
Crl.M.P.Nos.17832 & 17833 of 2018

1.Rajasekar
2.Kamalamma
3.Chandrasekar
4.Sankar

...Petitioners

Vs.

1.The State Rep. by the Inspector of Police
All Women Police Station
Hosur
Krishnagiri District

2.C.Kanchana

...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pending on the file of the learned Judicial Magistrate No.I, Hosur, Krishnagiri District in C.C.No.51 of 2014 and quash the criminal proceeding.

For Petitioners: Mr.E.Kannadasan

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

Mr.M.P.Saravanan for R2

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C., to call for the records pending on the file of the learned Judicial Magistrate No.I, Hosur, Krishnagiri District in C.C.No.51 of 2014 and quash the criminal proceeding.

2.The learned counsel for the petitioner would submit that the 1st petitioner and the 2nd respondent are the husband and wife. Out of their wedlock two children were born to them. There has been dispute between the 1st petitioner and the 2nd respondent right from the year 2012 onwards, on the ground that the 2nd respondent is having a illicit relationship with one Thangavel. This has been reflected in the legal notice issued by the 1st petitioner on 16.03.2013 and also divorce petition filed before the Sub-Court, Erode in H.M.O.P.No.138 of 2013. The respondent police have not investigated this part of the dispute and a final report has been filed merely on the ipse dixit of the 2nd respondent before the learned Judicial Magistrate, No.1, Hosur, Krishnagiri District in C.C.No.51 of 2014. Hence this petition.

3.Heard the learned counsel for the petitioner.

4.It is seen from the records that there are specific allegations as against the petitioners to attract the charges for the offences under Sections 498 (A), 494, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. This Court finds no merits in this Case and hence this Court is not inclined to quash the proceedings in C.C.No.51 of 2014 on the file of the learned Judicial Magistrate No.1, Hosur, Krishnagiri District.

5.Accordingly, this criminal original petition stands dismissed. However, considering the age of the 2nd petitioner, the personal appearance of the 2nd petitioner alone is dispensed with and she shall be represented by a counsel after filing appropriate application. The 2nd petitioner 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 in C.C.No.51 of 2014 before the learned Judicial Magistrate No.1, Hosur, Krishnagiri District. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS vi)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
All Women Police Station
Hosur
Krishnagiri District

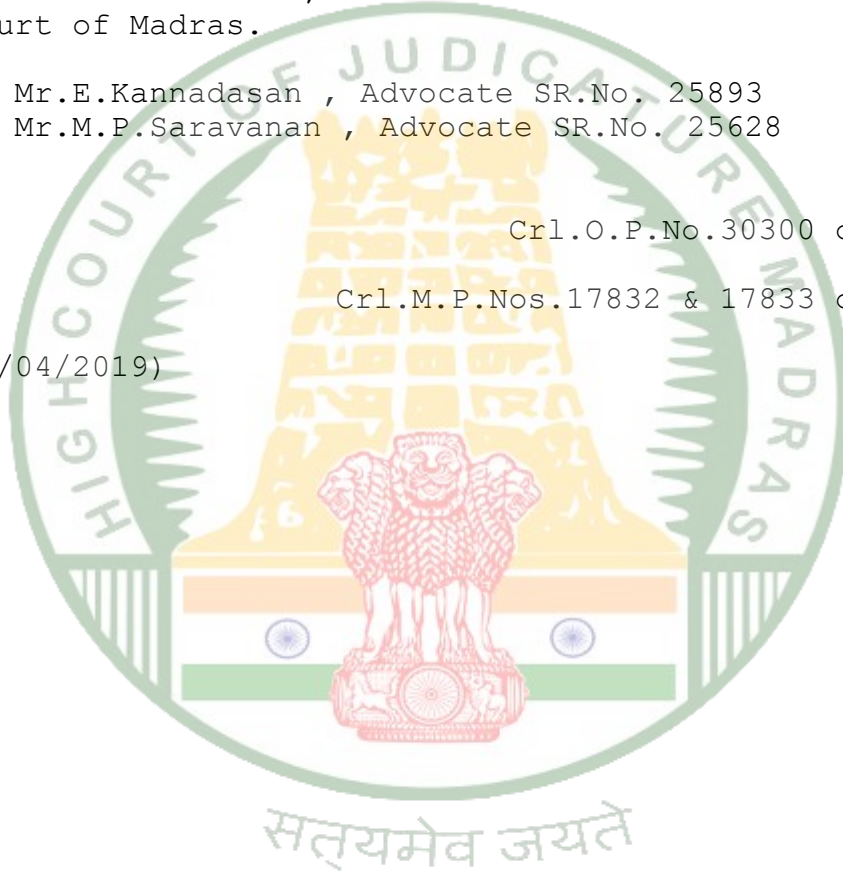
2.The Judicial Magistrate No.I
Hosur, Krishnagiri District

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.E.Kannadasan , Advocate SR.No. 25893
+1cc to Mr.M.P.Saravanan , Advocate SR.No. 25628

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BR (CO)
A.SK(22/04/2019)



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