



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.[MD]Nos.1512 and 5292 of 2019

and

Crl.M.P.(MD)Nos.758, 3344 and 3345 of 2019

1.Subramania Ayyar

2.S.Selvi : Petitioners in Crl.O.P.(MD)No.1512 of 2019

1.Parvathi

2.Brinda

3.Gomathi

4.Iyappan : Petitioners in Crl.O.P.(MD)No.5292 of 2019

/Vs./

1.The Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District,
(Crime No.06/2016)

2.S.Selvi : Respondents in both petitions

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.166 of 2017 on the file of the learned Judicial Magistrate Court, Tiruchendur and quash the same as illegal against the above petitioners.

For Petitioners : Mr.S.R.Anbarasu
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

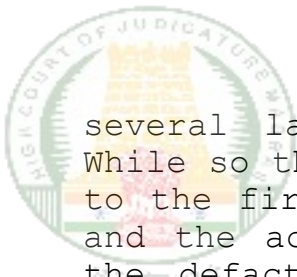
For R2 : No Appearance
(for both petitions)

COMMON ORDER

These petitions have been filed to quash the proceedings in C.C.No.166 of 2017 on the file of the learned Judicial Magistrate, Tiruchendur.

2.The petitioners are the accused in Crime No.06 of 2016 registered for the offence under Sections 498(A), 406, 294(b), 494, 506(ii) and 109 IPC r/e Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002.

3. The case of the prosecution is that the marriage of the first accused and the defacto complainant was solemnized in the year 1998. The defacto complainant was a widow at the relevant point of time and she has three children. The defacto complainant parted



several lakhs for the purpose of the first accused's business. While so the relatives of the first accused arranged second marriage to the first accused. The defacto complainant questioned the same and the accused persons abused the defacto complainant. Thereby, the defacto complainant lodged a complaint to the Law Enforcing Agency. After investigation, the Law Enforcing Agency filed charge sheet under Section 173 Cr.P.C.. Thereafter, the learned Magistrate, Thiruchendur has taken cognizance and assigned C.C.No.166 of 2017. Aggrieved by the said charge sheet, the present petition has been filed.

4. The learned counsel for the petitioners submitted that there may be some allegations with regard to the first accused but however, no allegation was made against the in-laws of the petitioner. In fact they have not arranged the marriage between the first accused and the sixth accused. Hence, there is no material available to implicate the petitioners as accused in this case.

5. The learned Government Advocate (Crl.Side) submitted that after completing the investigation and recording the statement of the witnesses, charge sheet before the trial Court has been filed and the trial Court has also assigned C.C.No.166 of 2017. Subsequently, charges were marked and the case is now posted for trial.

6. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the the ongoing proceedings in C.C.No.166 of 2017 at this stage. Accordingly, these Criminal Original Petitions are dismissed.

7. At this juncture, the learned counsel for the petitioners requests that the personal appearance of the petitioners before the trial Court may be dispensed with.

8. Acceding the request made by the learned counsel for the petitioners, the personal appearance of the accused 2 to 4 before the trial Court is dispensed with on condition that they shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 Cr.P.C., and at the time of passing judgment. However, the petitioners 1 to 3 in Crl.O.P. (MD)No.5292 of 2019 / accused 2 to 4 are directed to give an undertaking in the form of affidavit that the counsel representing them will cross examine the prosecution witnesses on the day they are examined in chief. The accused 2 to 4 shall not dispute the identity of the witnesses. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/TRUE COPY/



To

- 1.The Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District,
- 2.The Judiicial Magistrate,
Tiruchendur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.R.ANBARASU, Advocate (SR-61348[F] dated 16/04/2019)

Cr1.O.P.[MD]Nos.1512 and 5292 of 2019

15.04.2019

SP:06/05/2019/3P/5C