



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P.[MD]No.2434 of 2019

and

Crl.M.P(MD).Nos.1309 and 1310 of 2019

1.Uma Shankar
2.Bose
3.Shanthi
4.Sangeethapriya
5.Siva
6.Maheswari

: Petitioners

Vs.

1.State rep., by its
The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.
(Crime No.4 of 2018)

2.Eswari

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records for C.C.No.109 of 2018 on the file of the learned Judicial Magistrate, Kamuthi in Crime No.4 of 2018 on the file of the first respondent police and quash the same as illegal and devoid of merits.

For Petitioner
For R-1

: Mr.A.Uthayakumar
: Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

ORDER

The present petition is filed by the accused, who now face trial for the charges under Sections 498(A), 406, 494, 506(2), 109 IPC and Section 4 of Dowry Prohibition Act, 1961, to quash the charge sheet in C.C.No.109 of 2018.

2. The first petitioner herein is the husband of the defacto complainant, whereas the second and third petitioners are his parents and the fourth and fifth petitioners are his siblings and the sixth petitioner is the alleged second wife of the first petitioner.



3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

4. The learned counsel for the petitioner submitted that the statements of the witnesses are without any specific dates and events and therefore, to escalate the matrimonial discordance between the first petitioner and the second respondent, the case has been deliberately foisted and the facts disclosed by the final report cannot stand a forensic scrutiny, if the case goes for trial.

5. This Court perused the statement of the witnesses and does find that there exist material to frame charges, and its veracity or truthfulness can be trusted only during trial. Suffice to say, this Court does not find any material in the petition to quash the proceedings in C.C.No.109 of 2018 now pending before the learned Magistrate, Kamuthi. However the personal appearance of the petitioners 2 to 5 before the trial Court is dispensed with, unless their presence is specifically required by the trial Court.

6. With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO Mr.A.Uthayakumar, Advocate, Sr No.50072

Crl.O.P.[MD]No.2434 of 2019
26.02.2019

ta

KK/03.04.2019/2P.4C