



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. [MD] No. 3086 of 2019

and

Crl.M.P. (MD) Nos. 1717 and 1718 of 2019

1. Selvam
2. Tamilarasi
3. Priya

: Petitioners/ Accused Nos.
2, 3 & 4

Vs.

1. The State by
The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.

: 1st Respondent/ Complainant

2. Pandiammal

: 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in Spl.S.C.No.129 of 2018 on the file of the learned Additional Sessions Judge and Special Court, Mahila, Madurai and quash the same insofar as these petitioners are concerned.

For Petitioners : Mr.B.Arun
For R-1 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in Spl.S.C.No.129 of 2018 on the file of the learned Additional Sessions Judge and Special Court (Mahila), Madurai.

2. The learned Additional Public Prosecutor submitted that in the case in Spl.S.C.No.129 of 2018 is now pending before the learned Magistrate for framing charges against the accused persons.

3. The learned counsel for the petitioners submitted that if at all anything can be attributed to the petitioners, which is only presumed, the charges could be framed only for the offence under Sections 294(b) and 506(i) IPC and even for the same, there are no materials available.



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

4. On perusing the final report along with the statement of witnesses, this Court does find that there are some materials for framing charges against these petitioners.

5. The learned counsel for the petitioners indicated that the offence under Section 294(b) possibly might not be attracted.

6. The charges have not been framed yet. Since the accused persons have a right to be heard during framing of charges, the trial Court may consider the same by applying its mind to the materials filed by the Investigating Agency, and shall frame appropriate charges against the accused persons.

7. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Sessions Judge and Special Court,
Mahila, Madurai.

2. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.

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

+1CC TO Mr.B.Arun, Advocate, Sr No.51165

CrI.O.P.[MD]No.3086 of 2019
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