



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.5892 of 2019

and

Crl.M.P.(MD)No.3795 and 3796 of 2019

Arumugam : Petitioner/Accused No.3

/Vs./

1.State rep by
Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District. : 1st Respondent/Complainant
(In Crime No.10 of 2014)

2.Mrs.Chandra : 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in the case in C.C.No.08 of 2015 on the file of the Judicial Magistrate Court No.II, Srivilliputtur and quash the same as against the petitioner / accused No.3 as illegal, violation of law.

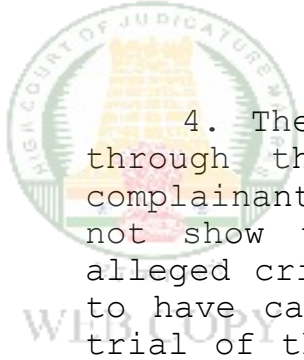
For Petitioner : Mr.M.Jothi Basu
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the final report in Crime No.10 of 2014 now pending in C.C.No.08 of 2015. The offences involve in the said case under Sections 498 (A), 406, 494 IPC and Section 4 of Dowry Prohibition Act r/w 109 and 506 (I) IPC.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent.

3. The learned counsel for the petitioner submitted that the petitioner is arrayed as third accused in this case and he is the brother of A1, who is the husband of the defacto complainant / second respondent. He submitted that the only allegation in the FIR is that when the defacto complainant complains of A1's cruelty to A2 and A3, they have remained silent.



4. The learned Government Advocate (Crl.Side) took this Court through the relevant portion of the statement of the defacto complainant given under Section 161 (3) Cr.P.C.. The statement does not show that the petitioner was only a mute spectator to the alleged crime but also has participated in the crime and is alleged to have caused cruelty to the petitioner. He also added that the trial of the case is commenced today and the defacto complainant / second respondent is being examined.

5. After weighing the rival submissions and after perusing the material papers, this court does not consider it appropriate to quash the final report. As such the arguments advanced by the petitioner's counsel ought to be tested only during trial. Having stated thus, this Court dispenses with the appearance of the petitioner since his identity is not disputed. He however has to appear before the trial Court, if the trial Court directs his presence for any specific purpose.

6. Subject to the above observation / directions this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.II,
Srivilliputtur

2. The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate(SR-62378[F]dated 25/04/2019)

Crl.O.P. [MD]No.5892 of 2019
24.04.2019