



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.04.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL. O.P. (MD) NO. 6906 OF 2014

AND

M.P. (MD) NOS. 1 & 2 OF 2014

WEB COPY

1. Praveen Kumar
2. Pushpa
3. A.Krishnan
4. Sudhir

.. Petitioners

- Vs -

1. State rep. by
Inspector of Police
All Women Police Station
Thiruparankundram, Madurai Dt.

2. Rajavidya

.. Respondents

Criminal Original Petition filed u/s 482 Cr.P.C. to call for the records from the lower Court in C.C. No.175 of 2014 on the file of the Addl. Mahila Court, Madurai, Madurai District and quash the same.

For Petitioner : Mr.V.Kathirvelu, SC, for
Mr.K.Prabhu

For Respondent : Mr.M.Chandrasekaran, APP for R-1
Mr.S.Palani Velayutham for R-2

ORDER

Pravin Kumar got married to Rajavidya on 11.6.03 and has two children through the wedlock. On account of matrimonial discord, the spouse got estranged. Based on the complaint lodged by Rajavidya, the police registered a case in Crime No.70/13 and after completing the investigation, has filed charge sheet in C.C. No.175/2014 before the Additional Mahila Court, Magisterial Level, Madurai, against i) Pravin Kumar (A-1); ii) Pushpa (A-2); iii) Krishnan (A-3); and iv) Sudhir (A-4) for the offences u/s 498-A, 406 and 506 (ii) IPC. To quash the said Final Report, the present petition has been filed before this Court.

<https://hcservices.courts.gov.in/hcservices/> Mr.V.Kathirvelu, learned senior counsel for the petitioners, Mr.Palani Velayutham for Rajavidya and Mr.M.Chandrasekaran, learned Addl. Public Prosecutor for the State.



3. Mr.Kathirvelu, learned senior counsel for the petitioners contended that the marriage was solemnised in the year 2003 and the complaint in this case was given only in the year 2013. He further contended that apart from launching criminal prosecution, Rajavidya also initiated proceedings under the Domestic Violence Act making various claims against her husband and in-laws and that petition was also dismissed for her non-appearance. He also contended that Pravin Kumar filed divorce proceedings and also obtained divorce.

4. Refuting the contentions, Mr.Palani Velayutham, learned counsel for Rajavidya submitted that Rajavidya was thrown out of the house and she was forced to fend for herself and her children without any economic support from her husband and in-laws. He also submitted that out of the two children, one child is with Pravin Kumar and the other child is with Rajavidya.

5. This Court gave its anxious consideration to the rival submissions.

6. On a complete reading of the final report and the statements recorded under Section 161 (3) Cr.P.C., this Court finds that there are prima facie materials for the prosecution to proceed as against Pravin Kumar. The allegation as against Pushpa, Krishnan and Sudhir are very frail and they have been included in the final report mainly on the vague allegations made by Rajavidya.

7. In such view of the matter, the proceedings in C.C. No.175/2014 qua Pushpa (A-2), Krishnan (A-3) and Sudhir (A-4) are liable to be quashed and, accordingly, the same is quashed.

8. Pravin Kumar (A-1) is directed to appear before the trial court and execute a bond for Rs.10,000/- (Rupees Ten Thousand only) u/s 88 Cr.P.C., without sureties within four weeks from the date of receipt of a copy of this order and take part in the trial proceedings. The trial court is directed to complete the trial in C.C. No.175/14 within a period of eight months from the date of receipt of a copy of this order. The trial court shall proceed with the trial against A-1 without in any manner influenced by any of the observations made above.

9. This petition is allowed in part in the above terms. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/ True Copy /



To

1. The Judge,
Addl. Mahila Court
Madurai, Madurai Dt.

2. Inspector of Police
All Women Police Station
Thiruparankundram, Madurai Dt.

+1 CC to M/s.K.PRABHU, Advocate (SR-63318[F] dated 27/04/2019)

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate
(SR-63442[F] dated 27/04/2019)

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ES/13.05.2019/3P/5C