



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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CRL.O.P.(MD)Nos.10669 of 2014 & 1644 of 2015 and

M.P.(MD)Nos.1 & 2 of 2014 and 1 and 2 of 2015

CRL.O.P.(MD)No.10669 of 2014

1. Pushpavalli
2. Prabalatha
3. S.Shyamala
4. S.Revathi
5. S.Senthil
6. A.Satya Priya

... Petitioners/Accused Nos.2 to 7

Vs.

1. The State rep. by,
The Inspector of Police,
All Women Police Station,
Thiruvarumbur,
Trichy District.
(Crime No.9 of 2011)

... 1st Respondent/ Complainant

2. S.Sasikala

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to C.C.No.6 of 2014 on the file of the learned Judicial Magistrate No.VI, Trichy and quash the same.

For Petitioners
For R-1

: Mr.F.Deepak
: Mr.A.Robinson,
Government Advocate(Crl. Side).

CRL.O.P.(MD)No.1644 of 2015

S.Sivakumar

... Petitioner/Accused No.1

Vs.

1. The State rep. by,
The Inspector of Police,
All Women Police Station,
Thiruvarumbur,
Trichy District.
(Crime No.9 of 2011)

... 1st Respondent/ Complainant



2. S.Sasikala

... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to C.C.No.6 of 2014 on the file of the learned Judicial Magistrate No.VI, Trichy and quash the same.

For Petitioner : Mr.F.Deepak

For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).

COMMON ORDER

In these two Criminal Original petitions, the accused in C.C.No.6 of 2014 on the file of the Judicial Magistrate No.VI, Trichy, are facing trial for the offences under Sections 294(b), 323, 498(A), 506(i) and 406 of I.P.C.

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

3. The first accused is the husband and the second accused is the mother-in-law. The other accused are the sisters-in-law and the brother-in-law. The second respondent herein is the defacto complainant. The marriage between the first accused and the defacto complainant took place on 27.08.2007. A girl child was born. The marital relationship between the parties suffered a break down.

4. The second respondent herein lodged an information before All Women Police Station, Thiruverumbur, leading to registration of Crime No.9 of 2011. Final report was filed and cognizance of the offences was taken.

5. On carefully going through the statement recorded under Section 161 of Cr.P.C., I find that there is a *prima facie* case only against the husband/accused No.1 and the mother-in-law/accused No.2. The other accused got married even prior to the marriage between the defacto complainant and the first accused. In fact they are having their own separate residences. At no point of time, they were under a common roof. General and omnibus allegations have been made against accused Nos.3 to 7.

6. In this view of the matter, the impugned proceedings stand quashed as far as accused Nos.3 to 7 are concerned. The learned counsel appearing for the petitioners would state that accused Nos.1 and 2 would face the trial and establish their innocence before the Court below. However, the learned counsel appearing for



the petitioners submitted that since the first accused suffered an accident and the second accused is an aged woman, this Court can consider and dispense with their personal appearance.

7. The said request is reasonable. The personal appearance of accused Nos.1 and 2 is dispensed with. The learned trial Magistrate shall insist on the personal appearance of accused Nos.1 and 2 only when it is absolutely necessary and imperative. Accused Nos.1 and 2 shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, accused Nos.1 and 2 can be represented through their counsel. Even while dismissing these Criminal Original petitions as far as accused Nos.1 and 2 are concerned, the Criminal Original petitions stand allowed as far as accused Nos.3 to 7 are concerned. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

pmu

To

1. The Judicial Magistrate No.VI, Trichy.
2. The Inspector of Police,
All Women Police Station, Thiruvarumbur,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL.O.P.(MD)Nos.10669 of 2014 & 1644 of 2015 and
M.P.(MD)Nos.1 & 2 of 2014 and 1 and 2 of 2015
23.09.2019

JM/24.10.2019/3P/4C