



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.10339 of 2015

and

MP(MD)Nos.1 & 2 of 2015

1.N.Veerappan

2.N.Chinnammal

3.A.Palaniyayee

... Petitioners / Accused Nos.1,3&4

Vs.

1.State, rep.by the Inspector of Police,
All Women Police Station,
Tiruppathur, Sivagangai District.
(Cr.No.8 of 2014).

...Respondent No.1/Complainant

2.Pushpa

... Respondent No.2/Defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in C.C No.90 of 2015 pending before the learned District Munsif cum Judicial Magistrate, Thiruppathur in Crime No.8 of 2014 for the offences under Sections 498(A), 355 & 506(i) IPC, Section 4 of TNPWH Act & Section 4 of the Dowry Prohibition Act on the file of the respondent No.1 and quash the same as illegal.

For Petitioners : Mr.S.Vanchinathan

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

Mr.A.K.Manickkam for R2

ORDER

The defacto complainant is the wife of the first petitioner N.Veerappan. In C.C No.90 of 2015 on the file of the Judicial Magistrate, Thiruppathur not only the husband but also the mother in law and sister in law were shown as accused. During the course of these proceedings, the father in law of the defacto complainant



passed away. He is not the petitioner before this Court. Even at the time of admission of this O.P, this Court dismissed this O.P as against the husband/first petitioner herein as there are prima facie materials against him.

2.The learned counsel appearing for the petitioners states that the second petitioner Chinnammal would establish her innocence before the court below. He would however submit that considering her age, her appearance before the court below can be dispensed with. I find the said request to be reasonable. Therefore, the trial court shall not insist on her appearance unless it is necessary or imperative. Of course, she has to appear on three occasions, namely, to answer the charges, at the time of examination under Section 313 of Cr.Pc and again, at the time of pronouncement of judgment. On all other occasions, she shall be represented by her counsel. Therefore, the learned counsel for the petitioners seeks leave to withdraw this petition as far as the second petitioner is concerned. Accordingly, this petition is dismissed as far as she is concerned.

3.Coming to the case of the third petitioner/A4, it is seen that she is the elder sister of A1. She got married much prior to the marriage that took place between the first petitioner and the defacto complainant. Palaniyayee is having her residence at Konapattu in Pudukottai District while the matrimonial home of the complainant is at Karaikudi in Sivagangai District. Admittedly, they were not under the same shared household. It is further seen that the allegations made against the sister in law is rather vague in nature.

4.Continuation of the impugned proceedings as against A4/sister in law of the complainant herein can only be characterised as an abuse of legal process. Hence, the impugned proceedings stand quashed as far as the A4 is concerned. The criminal original petition stands partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Skm



To

1.The District Munsif cum Judicial Magistrate, Thiruppathur.

2.The Inspector of Police, All Women Police Station,
Tiruppathur, Sivagangai District.

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

+1 CC to M/s.S.VANCHINATHAN, Advocate (SR-93435[F] dated 22/10/2019

+1 CC to M/s.A.K. MANICKAM, Advocate (SR-93802[F] dated
23/10/2019)

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