



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P(MD).No.15758 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

1.Palanisamy
2.Pon Amirtham
3.Kanagavelraj
4.Karthick

.. Petitioner/Accused Nos.1 to 4

Vs

1.The State Rep. by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No.209 of 2014)

2.Petchiammal

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.195 of 2015, on the file of the learned Judicial Magistrate, Rajapalayam and quash the same.

For Petitioners : Mr.S.Muniyandi

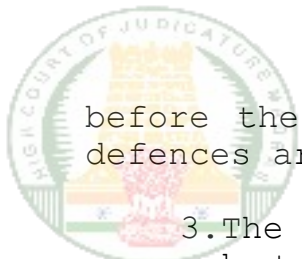
For R1 : Mr.A.Robinson
Government Advocate (Crl. side)

For R2 : Mr.N.Marimuthu
for Mr.C.Christopher

ORDER

The petitioners are facing trial in C.C.No.195 of 2015, on the file of the learned Judicial Magistrate, Rajapalayam, for the offences under Sections 420, 294(b), 506(i) of IPC r/w Section 4 of Tamil Nadu Harassment of Women Act. To quash the same, this Criminal Original Petition has been filed.

2.Even at the out set, the petitioners' counsel submitted that he would not press this quash petition as regards the first and second petitioners herein. They would establish their innocence



before the Court below in a regular trial. Their contentions and defences are left open.

3.The de-facto complainant in this case, is the second respondent herein, namely, Petchiammal. Her specific allegation is that the first petitioner herein made her believe that he would treat her as his wife. It is the further allegation of the de-facto complainant that the second petitioner is the first wife of the first petitioner also. Believing the words and assurance put forth by the first and second petitioners, the second respondent herein is said to have transferred her property and also parted with her valuable jewelry. The stand of the de-facto complainant is that after the first and second petitioners achieved their objects, they ditched the second respondent and left her in the lurch. Therefore, the second respondent herein lodged a complaint with Rajapalayam South Police Station, leading to registration of First Information Report in Crime No.209 of 2014. The case was investigated and final report was filed. Cognizance of the offences was taken and the case was taken on file in C.C.No.195 of 2015.

4.The 3rd and 4th petitioners, who have been shown as A-3 and A-4 are only the sons of petitioners 1 and 2. The primary allegations are only against the petitioners 1 and 2. The petitioners 3 and 4 herein appears to be only beneficiaries or the transaction between A-1 and A-2 on the one hand and the de-facto complainant on the other. Even if the entire prosecution case is taken to be true on their face value, no offence is made out against the petitioners 3 and 4. The very institution of the impugned prosecution is an abuse of legal process. Therefore, the impugned prosecution stands quashed as far as the petitioners 3 and 4 are concerned. The prosecution will continue against the petitioners 1 and 2. This Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

5.The case is of the year 2015. Therefore, the learned Judicial Magistrate, Rajapalayam, is directed to conclude the trial on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

sjj



To

1.The Judicial Magistrate, Rajapalayam.

2. The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-101744[F] dated 27/11/2019)

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26.11.2019

JMN(18.12.2019) 3P : 5C