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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P(MD)No.11 of 2016

and

M.P. (MD) Nos.12 and 13 of 2016

C.Jegatheesh

... Petitioner/Sole Accused

Vs

1.State through,

The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District.

... Respondent/Complainant

2.J.Muthu

... Respondent/Defacto complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the case in C.C.No.233 of 2014 pending before the learned Judicial Magistrate Court No.I, Ramanathapuram in Crime No.7 of 2014 on the file of the first respondent ie., Inspector of Police, All Women Police Station, Thiruvadani, Ramanathapuram District and quash all the further proceedings as against the petitioner.

For Petitioner : Mr.K.Ramanathan

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

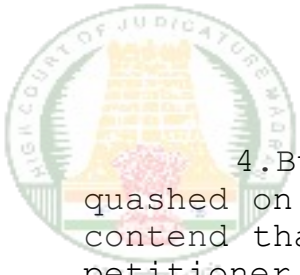
For R2 : Mr.H.Thayumanaswamy

ORDER

The petitioner is facing trial in C.C.No.233 of 2014 on the file of the Judicial Magistrate No.1, Ramanathapuram, for the offences under Sections 498A, 506(i) of IPC and Section 4 of TNPWH Act, 2002.

2.The second respondent herein is the defacto complainant. The second respondent and the petitioner got married in the year 2001. A male child was also born through the wedlock. The complaint given by the second respondent was investigated and the final report was filed and cognizance of the aforesaid offence was also taken. To quash the same, this criminal original petition has been filed.

3.The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds. He would point out that FIR was lodged highly belatedly.



4. But I am of the view that the case on hand cannot be quashed on the ground of delay in lodging the FIR. He would further contend that there are no specific overt acts spelt out against the petitioner.

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5. I am afraid that this contention is also incorrect. The defacto complainant has specifically alleged that the petitioner used to come in a drunken condition and beat her up. It is also alleged that the petitioner demanded additional dowry and intimidated her. She also specifically alleged that she was beaten and driven out from the house. These allegations are more than sufficient to hold that there is a prima facie case. Therefore, I find that no case has been made out for quashing the impugned proceedings. This criminal original petition stands dismissed. It is made clear that the Court below shall conclude the proceedings on merits and in accordance with law without being influenced by the outcome of the quash petition. The case is of the year 2014. The learned trial Magistrate is requested to conclude the case within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Rmi
To

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

+1 CC to Mr.K.RAMANATHAN, Advocate (SR-105420[F] dated 17/12/2019)
+1 CC to Mr.H.THAYUMANASWAMY, Advocate (SR-105460[F] dated
17/12/2019)

Cr1.O.P(MD)No.11 of 2016 and
M.P.(MD)Nos.12 and 13 of 2016
17.12.2019