



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

Crl.O.P. (MD) No.15893 of 2019

and

Crl.M.P (MD) Nos.9438 and 9439 of 2019

WEB COPY

1. Krishnamoorthy
2. Gandhi
3. Gurulakshmi ...Petitioners/Accused No.1, 2 and 3
Vs.

1. The State Rep.by
The Inspector of Police
All Women Police Station
Sankarankovil
Tirunelveli District ...1st Respondent/Complainant

2.Kavitha ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.145 of 2019 on the file of the learned Judicial Magistrate, Sankarankovil, Tirunelveli District and quash the same.

For Petitioners : Mr.RJ.Karthick

For Respondents : Mr.R.Anandharaj
No.1 Additional Public Prosecutor

ORDER

The accused 1 to 3 has filed this petition to quash the proceedings pending against them in C.C.No.145 of 2019 on the file of the learned Judicial Magistrate, Sankarankovil.

2. According to the learned counsel for the petitioner, the marriage between the first petitioner and the second respondent was performed under threat and coercion in police station on 28.08.2017 and due to misunderstanding between the husband and wife, the first petitioner filed application for dissolution of marriage before the Sub Court, Sankarankovil. Apart from that the learned counsel for the petitioner also relied upon the statement of one Saraswathi who conducted preliminary enquiry and according to her there was no demand of dowry. There was mis understanding between the first accused and the defacto complainant when the marriage was solemnized in the police station under coercion and she also stated that the defacto complaint admitted that the jewels are with her. Based on the statement of the District Social Welfare Officer the Investigating Officer while registering the case in Crime No. 09 of



2018 omitted offence under Section 4 of D.P.Act and filed final report with other offences. The petitioner is also facing offences under Section 294(b), 498(A), 355, 506(ii) and 354 of IPC. The first petitioner is the husband of the defacto complainant. The second petitioner is the mother of the first petitioner and third petitioner is the sister of the first petitioner.

3. He further submitted that the first petitioner is working in Coimbatore in mess and therefore it is very difficult for him to attend the Court for each and every hearing. Hence he requested this Court to issue direction to the trial court to expedite the trial and he is also ready to co-operate with the trial if leave has been granted by the superior.

4. Considering the limited request made by the petitioner, there shall be a direction to the learned Judicial Magistrate, Sankarankovil to complete the trial in C.C.No.145 of 2019 as expeditiously as possible and also consider the application if any filed by the petitioner under 317 of Cr.P.C with genuine reason. Further, the personal appearance of the petitioners 2 and 3 are dispensed with and they shall be represented by a counsel after filing appropriate application. The petitioners 2 and 3 shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment

5. With the above observation and direction the Criminal Original Petition is disposed of. Consequently connected miscellaneous petition in Crl.M.P(MD) No.9438 of 2019 is closed and Crl.M.P(MD) No.9439 of 2019 stand ordered.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate, Sankarankovil
2. The Inspector of Police
All Women Police Station
Sankarankovil
Tirunelveli District



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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-95863[F] dated 04/11/2019)

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KK/SAR/18.11.2019/3P-5C/