



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2019**

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No. 18065 of 2019

and Crl.M.P. (MD) Nos. 10641 & 10644 of 2019

WEB COPY

1. M. Gandhimathi
2. P. Muthuraman ... Petitioners/Accused-2 & 3
Vs

1. State
rep. by Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai City.
(Crime No. 12 of 2016) ... Respondent/Complainant

2. Dhanalakshmi ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the C.C. No 99 of 2017, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same.

For Petitioners : Mr.V. Sujatha Siddharthan
For Respondent-1 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No 99 of 2017, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai.

2. The learned counsel appearing for the petitioners would submit that the petitioners are in-laws of the defacto complainant and due to matrimonial dispute between the petitioners and the second respondent a false case in Crime No. 12 of 2016 has been registered for the offences under sections 498(A), 294(b), 506(i) of IPC and Section 4 of TNPHW Act and Section 4 of Dowry Prohibition Act and the same has been taken cognizance in C.C. No. 99 of 2017 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai. He would also submit that no necessary ingredients has been mentioned in the final report to attract the penal offence under Sections 498(A), 294(b), 506(i) of IPC and Section 4 of TNPHW Act and Section 4 of Dowry Prohibition Act as against the in-laws/petitioners.



3. The learned Additional Public Prosecutor appearing for the first respondent police would submit that there are specific allegations against the petitioners. He would also submit that the case has been posted for examination of witnesses on 31.12.2019 and hence, he prayed for dismissal of the petition.

4. This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

5. At this juncture, the learned counsel appearing for the petitioners would submit that the first petitioner is mother-in-law and the second petitioner is father-in-law of the second respondent and absolutely there is no allegation against them and also prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with.

6. Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be present for questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

7. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in **2001 (4) SCC 667**.

8. Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate,
Additional Mahila Court,
Madurai.

2. The Inspector of Police,
All Women Police Station, Madurai Town,
Madurai City.

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

+1 CC to M/s.V.SUJATHA SIDDHARTHAN, Advocate (SR-103721[F] dated
05/12/2019)

Crl.O.P.(MD)No. 18065 of 2019
04.12.2019

MK (02.01.2020) 3P 5C