

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.24302 of 2016

and

CrI.M.P.Nos.11585 &11586 of 2016

1.C.Konjiadaikkan

2.Subbiah

...Petitioners

Vs.

1.K.Chitra

2.Minor Ranjani

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to M.C.No.4 of 2016 on the file of the District Munsif cum Judicial Magistrate, Sriperumputhur, filed by the respondents herein and to quash the same.

For Petitioners : Mr.N.R.Rajagopalan

For Respondents : Mr.M.Balaji

ORDER

This Criminal Original Petition has been filed to to call for the records pertaining to M.C.No.4 of 2016 on the file of the District Munsif cum Judicial Magistrate, Sriperumputhur, filed by the respondents herein and to quash the same.

2 The first petitioner is the husband of the respondent and the second petitioner is the younger brother of the first petitioner. The first petitioner and the first respondent are having three children out of their wedlock. It is submitted that the first petitioner married one Palaniammal and the marriage was solemnized on 19.06.2015. Under this circumstance, the respondent herein has filed a suit in O.S.No.102 of 2015, before the learned District Munsif cum Judicial Magistrate, Thirumayam against the petitioners and three others for declaration that the marriage between the petitioners is not

valid in law. Thereafter, she has filed a case in M.C.No.4 of 2016 under Section 12 of the Protection of Women from Domestic Violence Act 2005, before the learned District Munsif cum Judicial Magistrate at Sriperumputhur in the month of January, 2016 against the petitioners. Thereafter, she had filed a case in C.C.No.55 of 2016 before the District Munsif cum Judicial Magistrate at Sriperumputhur in the month of February, 2016 against the petitioners seeking cognizance for the offences under Section 494 and 496 of IPC, which has been pending before the Trial Court.

3 Heard Mr.N.R.Rajagopalan, learned counsel for the petitioners and Mr.K.Balaji, learned counsel appearing for the respondents and perused the materials placed on records.

4 It is seen from the First Information Report that there are specific allegations as against the petitioners to attract the offences, which have to be investigated in depth.

5 Therefore, this Court is not inclined to allow the criminal original petition. However, the crime is of the year 2016, the trial court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order. Further, the personal appearance of the second petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. The petitioner 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. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dua

To

District Munsif cum Judicial Magistrate,
Sriperumputhur.

CRL.O.P.No.24302 of 2016
and

CrI.M.P.Nos.11585 &11586 of 2016

NR(CO)
RN(08/06/2020)