

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.8822, 10866 & 10265 of 2013

and Crl.O.P.Nos.9248 & 18474 of 2014

and MP. Nos. 1,1,1/2013 in Crl. O.P.Nos. 8822, 10822, 10265/2013

MP 1/2014 in Crl.O.P. Nos. 18474/2014 and MP 2,2/2013 in

Crl. O.P. Nos. 8822 & 10866/2013

Crl.O.P.No.8822 of 2013:

1.A.Rajasekaran

2.R.Shenbhagavalli @ Valliammal ... Petitioners/Accused No. 2&3

/versus/

1.State

rep.by the Inspector of Police,

All Women Police Station,

Harur,

Dharmapuri District.

2.D.Vidhya

.. Respondents/complainant

Crl.O.P.No.10866 of 2013:

1.R.Saravanakumar

2.A.Rajasekaran

3.R.Shenbhagavalli @ Valliammal

.. Petitioners

/versus/

D.Vidhya

.. Respondent/Complainant

Crl.O.P.No.10265 of 2013:

R.Saravanakumar

.. Petitioner/Accused No. 1

/versus/

1.State

rep.by the Inspector of Police,
All Women Police Station,
Harur,
Dharmapuri District.

2.Vidhya

.. Respondent/Complainant

Crl.O.P.No.9248 of 2014:

A.Rajasekaran

.. Petitioner/Defacto Complainant

/versus/

1.State

Rep.by the Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.

.. Respondents

Crl.O.P.No.18474 of 2014:

1.R.Saravanakumar

2.A.Rajasekaran

3.R.Shenbhagavalli @ Valliammal

.. Petitioners/Accused

/versus/

1.State

Rep.by the Inspector of Police,
Harur Police Station,
Dharmapuri District.

2.A.Dhanasekaran

.. Respondent/Complainant/Defacto Complainant

Prayer in Crl.O.P.No.8822 of 2013: Criminal Original
Petition has been filed under Section 482 of the Criminal
Procedure Code, 1973, praying to call for the records pertaining
to C.C.No.33 of 2013 pending on the file of the Judicial
Magistrate at Harur and quash the same as illegal, incompetent
and ultravires by allowing the present criminal original
petition.

Prayer in CrI.O.P.No.10866 of 2013:Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, praying to call for the records pertaining to M.C.No.15 of 2012 pending on the file of the Judicial Magistrate at Harur and quash the same as illegal, incompetent and ultravires by allowing the present criminal original petition.

Prayer in CrI.O.P.No.10265 of 2013:Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, praying to call for the records pertaining to C.C.No.33 of 2013 pending on the file of the Judicial Magistrate at Harur and quash the same as illegal, incompetent and ultravires by allowing the present criminal original petition.

Prayer in CrI.O.P.No.9248 of 2014:Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, praying to direct the 2nd respondent to register the complaint of the petitioner dated 03.04.2014 and to investigate the same in accordance with law.

Prayer in CrI.O.P.No.18474 of 2014:Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, praying to call for the records pertaining to Crime No.394 of 2014 on the file of the 1st respondent and quash the same as illegal, incompetent and ultravires.

CrI.O.P.No.8822 of 2013:

For Petitioners :Mr.R.Jayaprakash

For Respondents :Ms.V.Saratha Devi, GA(crl.side)
for R1
Mr.N.Vijaya Baskar for R2

CrI.O.P.No.10866 of 2013:

For Petitioners :Mr.R.Jayaprakash
For Respondent :Mr.N.Vijaya Baskar

CrI.O.P.No.10265 of 2013:

For Petitioner :Mr.R.Jayaprakash

For Respondents :Ms.V.Saratha Devi, GA(crl.side)
for R1
Mr.N.Vijaya Baskar for R2

Crl.O.P.No.9248 of 2014:

For Petitioner :Mr.R.Jayaprakash

For Respondents :Ms.V.Saratha Devi, GA(crl.side)
for R1 & R2

Crl.O.P.No.18474 of 2014:

For Petitioners :Mr.R.Jayaprakash

For Respondents :Ms.V.Saratha Devi, GA(crl.side)
for R1
Mr.N.Vijaya Baskar for R2

COMMON ORDER

Crl.O.P.No.8822 of 2013 has been filed by the mother in law and father in law of the defacto complainant, Crl.O.P.10265 of 2013 has been filed by the husband of the defacto complainant and Crl.O.P.No. 10866 of 2013 has been filed by the husband and his parents. All these petitions are filed against the charge sheet filed by the law enforcing agency u/s.498A,406, 294(b), 506(i) IPC and are filed by the very same parties.

2.Crl.O.P.No.9248 of 2014 has been filed by the father in law of the defacto complaint to register a complaint against the 3rd parties who assembled in front of the house to compromise the matrimonial dispute and Crl.O.P.No.18474 of 2014 has been by the husband and the father in law and mother in law of the defacto complaint to quash the F.I.R. in crime No.394 of 2014 said to have registered by the law enforcing agency based on the complaint given by the father of the defacto complainant.

3.All these batch of petitions came to be filed out of the matrimonial disputes arose between the defacto complainant viz. D.Vidhya and R.Saravanakumar.

4.For better clarifications, the parties herein are referred by their names.

5.The marriage of D.Vidhya and R.Saravanakumar was solemnized on 06.02.2012. After the marriage, there is no compatibility between the couple, leading to a series of petitions filed by the parties, challenging the complaints filed for the alleged offences u/s.498 A,406, 294(b), 506(i) IPC, Domestic Violence Act and 306 IPC., challenging the said complaints, these petitions are filed to quash the proceedings and seeking for a direction to register F.I.R.

6.The learned counsel for the petitioners would submit that there was series of disputes in between the petitioners' family and the defacto complainant's family and all these complaints are vexatious in nature which did not disclose any facts, accordingly, prays for appropriate orders.

7.The learned counsel appearing for the defacto complainant / D.Vidhya would submit that all these issues raised by the petitioners are triable issues and further all other batch of petitions relate to the investigation of the cognizance made. Therefore, the Investigating Officer may file a report or may close these complaints. This Court may issue a direction to the law enforcing agency and the Trial Court to expedite the Trial and complete the investigation within a period of reasonable time.

8.In the light of the above submissions, and on perusal of the disputed facts, this court is of the opinion that these issues cannot be decided under Section 482 of Cr. P.C. Hence, without going into the merits of the case, this court is inclined to issue a direction to the law enforcing agency to complete the respective proceedings as expeditiously as possible.

9.As far as the petitions in Crl.O.P.Nos.8822, 10265 & 10866 of 2013 are concerned, this Court directs the learned Judicial Magistrate, Harur, to expedite the trial in C.C.No.33 of 2013 and M.C.No.15 of 2012 and complete the same as early as possible. The appearance of the petitioners before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioners for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

10.As far as the petitions in Crl.O.P.No.9248 & 18474 of 2014 are concerned, this Court directs the law enforcing agency to complete the enquiry within a period of 8 weeks from the date of receipt of a copy of this order.

11.With the above directions, these criminal original petitions stand disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas
To

1.The Judicial Magistrate,
Harur.

2.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

3.The Inspector of Police,
All Women Police Station,
Harur,
Dharmapuri District.

4.Inspector of Police
Harur Police Station
Dharmapuri District

5.The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.

6.The Public Prosecutor,
High Court, Madras.

+5 cc to Mr.R. Jaya Prakash, Advocate, CASR 10637 to 10641

+4 cc to Mr. N. Vijaya Baskar, Advocate, CASR 10765 to 10768

Crl.O.P.Nos.8822,10866
& 10265 of 2013
and

Crl.O.P.Nos.9248 &
18474 of 2014

NRJK (CO)
NSP (21/5/2020)

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