

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.3189 of 2014
and
MP.Nos. 1 & 2 of 2014

1.Ashish Prataprai Vasani

2.Nita Ashish Vasani Petitioners/A4 & 5

Vs.

1.State by Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai-600 040. Respondent/complainant

2.Sakshi Harnal Respondent/ Defacto
complainant

Prayer: Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.872 of 2013 on the file of Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.K.P.Anantha Krishna
For Respondents : Mr. C.Iyyapparaj, APP for R1
: Mr. R.Karthikeyan for R2

ORDER

This Criminal original petition has been filed seeking to call for the records in C.C.No.872 of 2013 on the file of Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

2.The petitioners /A4 and A5 are brother in law and Co-sister of the defacto complainant. The case of the prosecution is that the marriage between the A1/ the brother of the first petitioner/Ajay Prataprai Vasani and defacto complainant/ Sakshi Harnal was performed in Dentasy, at United States of America on 30.07.2007 and further they had been living together at the same place. After about three yeas, for the sake of relatives and friends, they performed a mock marriage at Chennai on

14.06.2010 and reception was celebrated at Rajkot, Gujarat, on 16.06.2010. Thereafter, the couple came back to Chennai on 22.06.2010 and thereafter, left for United States on 22.06.2010. Later, a matrimonial dispute arose in between them at United States and the defacto complainant alleged that the accused persons tortured the defacto complainant and demanded more money, thereby, the defacto complainant filed a complaint before the law enforcing Agency, W-7, All Women Police station for the offence under Section 498 (a), 406 and 506(ii) IPC. After conducting investigation, charge sheet was filed in C.C.No.872 of 2018. Challenging the said complaint petitioners/A4 and A5 have filed the present petition before this Court.

3.Mr Anand Krishna, learned counsel appearing for the petitioners submits that though the complaint is running more than 10 pages, in that complaint no specific allegations were made against the petitioners/A4 & A5 and also the said allegation was also vague and false. Further proceedings under Section 161(3) of Cr.P.C also did not disclose any allegations against the petitioners. There being no allegation against the petitioners/A4-A5 implicating the said petitioners in the above case, without sufficient materials is impermissible and forcing the petitioners to face trial is unsustainable one. Accordingly he prays for allowing the petition.

4.Mr.Karthikeyan, learned counsel, while fairly conceded that no allegations have been made against A-4 and A-5, the petitioners herein, however, fairly submitted that since it is a matrimonial dispute, this Court may direct the trial court to complete the trial in respect of the other accused, viz., A-1 to A-3 within a specified time frame as may be fixed by this Court.

5.The learned Additional Public Prosecutor appearing for the State, fairly conceded that there is no serious allegation as against the petitioners and the said allegations are very vague. However, there are serious allegations against A1, A2, A3 and therefore, this Court may issue appropriate direction to complete the trial within a reasonable time.

6.In view of the fair stand taken by the learned counsel for the petitioner and respondent this Court is inclined to quash the proceedings against the petitioners/A4 & A5 alone in C.C.No.872 of 2013 on the file of Chief Metropolitan Magistrate, Egmore, Chennai. Accordingly, the proceedings in C.C.No.872 of 2013 insofar as A4 & A5/petitioners herein are quashed. Consequently connected miscellaneous petitions are closed.

7. Further, this Court directs the trial Court to conduct the trial in respect of other accused, viz., A1 to A3 and complete the same within a period of six months from the date of

receipt of copy of this order by dispensing with their appearance except for their appearance for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C., and on the date of delivery of judgment, However, if for any particular reason, the presence of A1 to A3 is necessary on any particular days. The trial Court, at its wisdom, shall direct their appearance on those days.

Sd/-
Assistant Registrar(CS-)

// True Copy//

Sub Assistant Registrar

jrs

To

- 1.The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
W7 All Women Police Station, Anna nagar,
Chennai-600 040
- 3.The Public Prosecutor,
High Court, Madras.

+lcc to M/s R.Karthikeyan, Advocate sr 13811
+lcc to M/s K.P.Anantha krishna, Advocate sr 14383

सत्यमेव जयते

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