

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19938 of 2014 and
Crl.M.P.No.1 of 2014

1.Ganeshkumar
2.S.Neelamegam
3.N.Gajalakshmi
4.Sasikala

... Petitioners

Vs.

Dhanalakshmi

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.3842 of 2010 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : M/s.L.Baskaran

For Respondent : M/s.C.Vijaya Kumar

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.3842 of 2010, pending on the file of the V Metropolitan Magistrate, Egmore, Chennai.

2.The respondent filed a complaint before the Court below against the petitioners for the offences under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

3.The learned counsel for the petitioners would submit that the entire family members have been roped in this case based on some vague allegations made against them as if they subjected cruelty to the respondent. The learned counsel would further submit that the criminal proceedings as against petitioners is an abuse of process of Court and the same requires interference of this Court. During the pendency of the quash petition the 2nd and 3rd petitioners were died.

4.The learned counsel appearing for the respondent would submit that the respondent underwent cruelty in the hands of the petitioners. The learned counsel would further submit that sufficient allegations have been made against the petitioners in the complaint. Therefore, the learned counsel would submit that prima facie materials are available against the petitioners and they will have to necessarily undergo trial before the Court below and this Court should not interfere with the proceedings at this stage.

5.This Court has carefully considered the submissions made on either side and also the materials available on record.

6.A careful reading of the complaint and the statement recorded from the defacto complainant shows that there are sufficient allegations made against the 1st petitioner, who is the husband. Therefore, this Court is not inclined to interfere with the proceedings insofar as the 1st petitioner is concerned. Further, it is submitted by the learned counsel for the petitioner during the pendency of the quash petition, the 2nd and 3rd petitioner were died and accordingly, the charges against them are abated.

7.This Court, on going through the materials, is able to see that substantial allegations have been made as against the 1st petitioner. Insofar as other accused person/4th petitioner is concerned, only general allegations have been made and there is absolutely no materials to show the commission of offence by the 4th petitioner. Hence, the proceedings in C.C.No.3842 of 2010, pending on the file of the V Metropolitan Magistrate Court, Egmore is hereby quashed insofar as the 4th petitioner is concerned.

8.In the result, this Criminal Original Petition is allowed insofar as the 4th petitioner is concerned and insofar as the 1st petitioner is concerned this Criminal Original Petition stands dismissed and the Court below is directed to proceed further with the trial as against the 1st petitioner and complete the proceedings within a stipulated time. The appearance of the 1st petitioner 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 1st petitioner 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. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

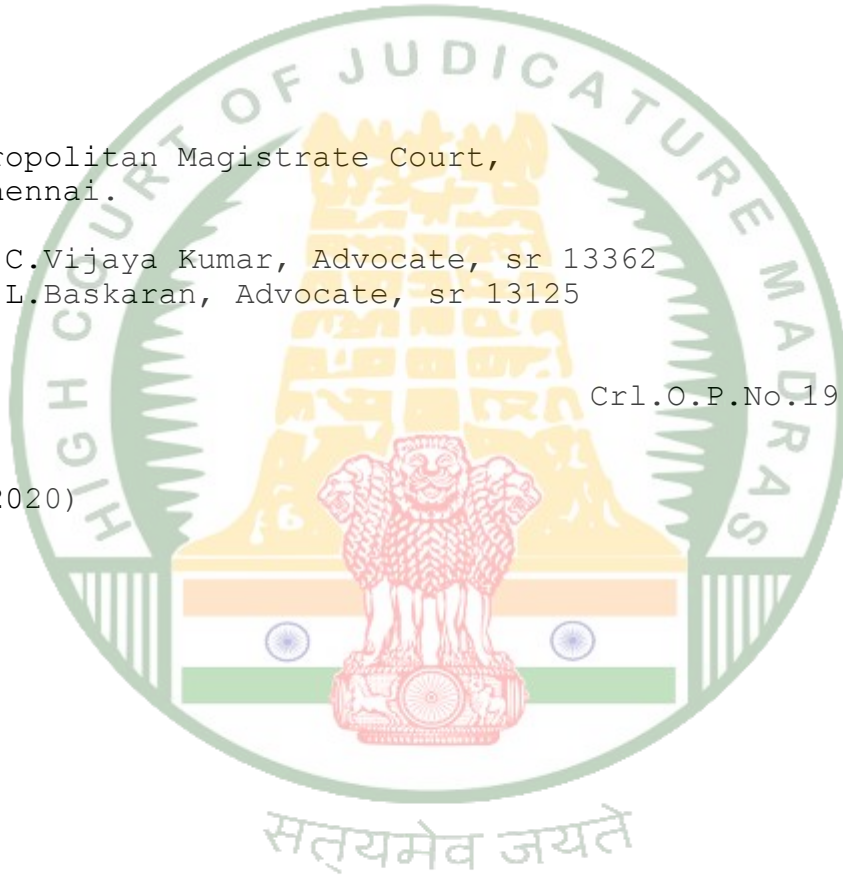
The V Metropolitan Magistrate Court,
Egmore, Chennai.

+1 CC Mr. C.Vijaya Kumar, Advocate, sr 13362

+1 CC Mr. L.Baskaran, Advocate, sr 13125

Cr1.O.P.No.19938 of 2014

SSI(CO)
AT(20/05/2020)



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