



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2173 of 2020

and

Crl.M.P. (MD) Nos.1099 and 1100 of 2020

1.Savadammal
2.Nagalakshmi
3.Bala @ Balasubramani

... Petitioners

Vs.

1.The State rep by
The Inspector of Police,
All Women Police Station,
Dindigul,
Dindigul District.

2.Sudharshana

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case in C.C.No.225 of 2019 pending on the file of the Additional Mahila Court, (Magisterial Level), Dindigul, Dindigul District and quash the same as against the petitioners.

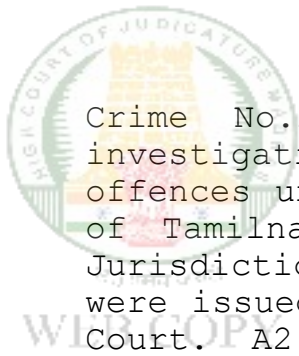
For Petitioners : Mr.R.Anand

For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side)
for R1

O R D E R

This criminal original petition is filed for quashing the impugned proceedings in C.C.No.225 of 2019 on the file of the learned Additional Mahila Court (Magisterial Level), Dindigul.

2.The defacto complainant is the second respondent herein. The second respondent got married to the son of the first petitioner on 08.07.2012. A female child was also born on 14.11.2013. The matrimonial relationship between Gopalakrishnan and the second respondent came under strain. The second respondent gave a complaint before the first respondent leading to registration of



Crime No.28 of 2016 for various matrimonial offences. After investigation the first respondent filed final report for the offences under Sections 498(A), 406 and 109 of I.P.C. and Section 4 of Tamilnadu Prohibition of Harassment of Women Act before the Jurisdictional Magistrate. The same was taken on file and summons were issued to the petitioners herein. A1 has not come before this Court. A2 to A4 are alone before this Court.

3.The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds and wanted this Court to quash the impugned proceedings.

4.As rightly pointed by the learned Government Advocate (Crl. Side), the impugned proceedings will have to be quashed on a short technical ground. A mere look at the final report filed by the first respondent indicates that it is a sort of cut and paste job. The impugned charge sheet contains a whole paragraph that is wholly unrelated to the case on hand. Yet such a final report has been taken on file by the learned Trial Magistrate. As rightly pointed by the petitioners' counsel, cognizance of the offences cannot be a mechanical affair. There must be application of mind. In this case the fact that such a final report was taken on file itself indicates that there was no application of mind. Therefore, on this sole ground the impugned proceedings stand quashed.

5.Since quashing has been done only on a technical ground, in the very of nature of things the case will have to be remitted back to the file of the first respondent. The learned Government Advocate (Crl. Side) states that the first respondent will file a fresh final report within a period of ten days from the date of the receipt of a copy of this order. The Jurisdictional Magistrate will take a call in the matter without any delay. If the learned Trial Magistrate takes cognizance of the offences and issues summons to the petitioners herein, the petitioners right to move this Court again for the relief of quashing is left open. I have not gone into the merits of the matter. Therefore, leaving open all the petitioners' contentions and defences, with the aforesaid directions and by recording the submissions of the learned Government Advocate (Crl. Side), this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

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/ /2020

Sub Assistant Registrar(CS)



To:

- 1.The Additional Mahila Court,
Magistrial Level,
Dindigul,
Dindigul District.
- 2.The Inspector of Police,
All Women Police Station,
Dindigul,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

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AP(20/03/2020) 3P 4C