



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.4322 of 2020

and

Crl.M.P. (MD) Nos.2417 and 2419 of 2020

WEB COPY

M.Muthukumar

... Petitioner

Vs.

1.State rep by

The Inspector of Police,
All Women Police Station,
Thoothukudi District.
(Crime No.19 of 2019)

2.M.Jeyalakshmi

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to charge sheet in C.C.No.565 of 2019 on the file of the Judicial Magistrate No.IV, Thoothukudi and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.A.Alaguraja

For Respondents : Mr.A.Robinson

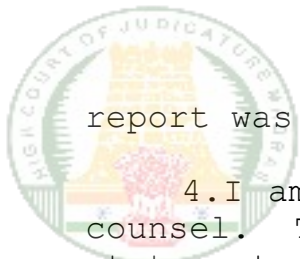
Govt. Advocate (Crl. Side) for R1

O R D E R

This criminal original petition has been filed for quashing the impugned proceedings in C.C.No.565 of 2019 on the file of the learned Judicial Magistrate No.IV, Thoothukudi.

2.The defacto complainant is one Jeyalakshmi, who has been shown as the second respondent herein. The marriage between the petitioner and Jeyalakshmi took place on 12.11.2011. Thereafter two children a boy and a girl were born through the wedlock. The second respondent herein alleged that the petitioner had committed cruelty on her. Based on the said complaint, Crime No.19 of 2019 was registered by the Inspector of Police, All Women Police Station, Thoothukudi. The matter was taken up for investigation and the final report was filed for the offences under Sections 498(A), 294 (b), 506(i) and 494 of I.P.C. and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. Cognizance of the offences was taken and the case is pending trial in C.C.No.565 of 2019. To quash the same, this criminal original petition has been filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds. He would also point out that when the FIR was filed on 09.07.2019, the final report itself came to be filed on 14.07.2019. According to the petitioner's counsel, the lightening speed with which the final



report was filed betrays the nature of the investigation.

4.I am unable to agree with the submission of the petitioner's counsel. The learned Government Advocate (CrI. Side) took me to the statements recorded under Section 161 of Cr.P.C. In the said statements, the defacto complainant had alleged that the petitioner used to abuse her in filthy language and also beat her up. She would also allege that the petitioner had developed intimacy with Esakkiammal @ Sakthi.

5.On carefully going through the various statements recorded under Section 161 of Cr.P.C., I am of the view that a prima face case is made out against the petitioner. The contentions urged by the petitioner's counsel will have to be established only before the Court below in a regular trial. At this stage, in exercise of my inherent power under Section 482 of Cr.P.C., I may not be able to appreciate. Merely because the police have filed the charge sheet in less than a week, the same cannot be a ground for quashing the proceedings. Leaving open all the contentions and defences of the petitioner, this criminal original petition stands dismissed. The petitioner's counsel states that the petitioner is working in the cine field and that he often has to be away from his native place and this has been misconstrued by the defacto complainant. Taking note of this aspect of the matter, the personal appearance of the petitioner before the Court below is dispensed with. The trial court shall not insist on his appearance unless it is necessary or imperative. Of course, he has to appear on three occasions, namely, to answer the charges, at the time of examination under Section 313 of Cr.P.C. and again, at the time of pronouncement of judgment. On all other occasions, he shall be represented by his counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CrI.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Judicial Magistrate No.IV, Thoothukudi.
 2. The Inspector of Police,All Women Police Station,
Thoothukudi District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.A.ALAGURAJA, Advocate (SR-11209[F]

CrI.O.P (MD)No.4322 of 2020

10.03.2020

SMA/20/03/2020/2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>