



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.4391 of 2020

and

Crl.M.P. (MD)No.2479 of 2020

Kasthuri

... Petitioner

-vs-

1.The State represented by
The Sub-Inspector of Police,
All Women Police Station,
Cantonment,
Trichy.

2.A.Senthilkumar
3.Arunachalam
4.Pandiammal
5.Olammal alias Aswini
6.Karithikaiselvi

... Respondents

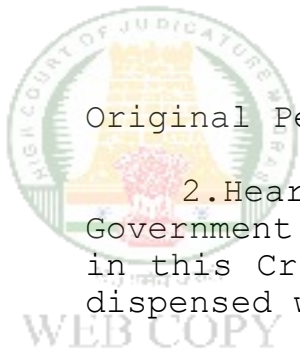
PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the Additional Mahila Court (Magisterial Level), Trichy to take on the file the petitioner's interlocutory application under Section 302 code of criminal procedure, dated on 27.02.2020 and dispose the same in accordance with law before even proceed with further proceedings.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.A.Robinson
Government Advocate (Crl.side)

O R D E R

The petitioner is the defacto complainant in C.C.No.92 of 2018 on the file of the Additional Mahila Court, Trichy. The trial in this case commenced on 27.02.2020. The petitioner is said to have given a petition for conducting her own prosecution. Since the case is pending only before the Mahila Court, it is open to the defacto complainant to file such a petition under Section 302 of Cr.P.C. The grievance of the petitioner is that without passing orders on the said petition, the trial is going ahead. Hence, this Criminal



Original Petition has been filed.

2.Heard the learned counsel for the petitioner and the learned Government Advocate. Considering the nature of relief to be passed in this Criminal Original Petition, notice to respondents 2 to 6 is dispensed with.

3.The learned counsel for the petitioner placed reliance on the decision of the Hon'ble Supreme Court reported in **(2001) 3 SCC 462** in the case of **M/s. JK International Vs State Government of NCT of Delhi and others.**

4. I am of the view that if an application of this nature can be submitted by the defacto complainant, it is the duty of the trial Court to take up the matter immediately and dispose it of. In this case, the petition itself has not been numbered. The Trial Magistrate need not adopt any technical stand. Therefore, the learned Trial Magistrate is directed to number the petition filed by the petitioner under Section 302 of Cr.P.C., and dispose it of, on merits and in accordance with law before proceeding with the trial.

5.With this direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judge, Additional Mahila Court, Trichy.

2.The Sub-Inspector of Police, All Women Police Station,
Cantonment, Trichy.

3.Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SUNDAR, Advocate (SR-11175[F] dated 11/03/2020)

Crl.O.P. (MD)No.4391 of 2020

11.03.2020

JMN/SAR-3 (13.03.2020) 2P : 5C

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