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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.4386 of 2020

and

Crl.M.P. (MD) Nos.2476 and 2477 of 2020

1.Ponnusamy

2.Parvathi

3.Kannan

4.Ayyammal

5.Ramayee

... Petitioners

Vs

The State by

1.The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
(Crime No.89 of 2016)

2.Muthuveni

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the S.C.No.18 of 2020 on the file of the learned District and Sessions Court (Mahila Madurai), Mahila Neethirmandram, Madurai, Madurai District and quash the same as against the petitioner concerned.

For Petitioners : Mr.Santhanam Rajeshkumar

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The petitioners are facing trial in S.C.No.18 of 2020 on the file of the learned District and Sessions Court, Mahila Neethimandram, Madurai, Madurai District.



2.The defacto complainant in this case is the second respondent herein. The second respondent got married to Ramalingam son of the first petitioner herein on 02.07.2003. A female child was also born through the wedlock. The first accused Ramalingam is employed abroad.

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3.The specific allegations of the second respondent herein is that during the absence of her husband, the third petitioner herein Thiru.Kannan, brother of Ramalingam used to give her sexual torture. The defacto complainant alleges that when this was brought to the notice of the other petitioners herein, they were not only indifferent but also sought to justify the conduct of the third petitioner. The defacto complainant would also make an allegation that she was physically beaten up and assaulted by the petitioners herein. All the five petitioners herein have been specifically named by the defacto complainant not only in the FIR but also in the statement recorded under Section 161 of Cr.P.C.

4.The petitioner's counsel would contend that FIR was registered only on 18.10.2016. There is a gross delay in lodging the FIR. He also would submit that the allegations projected by the defacto complainant are inherently improbable.

5.I am not persuaded by the aforesaid submission of the learned counsel appearing for the petitioners. These are contentions that will have to be established only before the Court below in a regular trial. They are not sufficient for invoking inherent powers of this Court. Therefore, leaving open the petitioner's contentions and defences, this criminal original petition stands dismissed.

6.Considering the overall facts and circumstances, except the third petitioner Kannan, the personal appearance of the other petitioners namely, Ponnusamy, Parvathi, Ayyammal and Ramayee will stand dispensed with. Of-course, the petitioners 1, 2, 4 and 5 will have to appear on those occasions, when it is directed by the Court below or when it is imperative and necessary. On all other occasions, the petitioners 1, 2, 4 and 5 can be represented by their counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)



To

- 1.The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
- 2.The District and Sessions Court,
Mahila Neethimandram,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.Santhanam Rajesh Kumar, Advocate (SR-11140

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TP (08.05.2020) 3P-4C