



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.4774 of 2020

and

Crl.M.P. (MD)Nos.2729 and 2731 of 2020

1.Malaiammal
2.Vallinayagam
3.Pitchaiammal
4.Narayanajothi
5.Muthukrishnan
6.Ganesa Kannan

... Petitioners/Accused 2 to 7

-vs-

1.State represented by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Tuticorin District.
(in Crime No.14 of 2016).

...1st Respondent/Complainant

2.Muthulakshmi

... 2nd Respondent/Defacto
Complainant

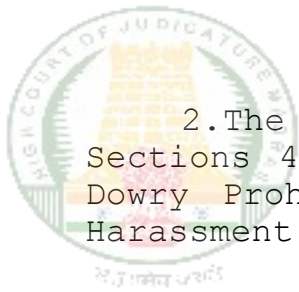
PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records in pursuant to the charge sheet in C.C.No.20 of 2017 on the file of the Judicial Magistrate Court, Sathankulam, Tuticorin District dated 27.01.2017 in Crime No.14 of 2016 on the file of the Inspector of Police, All Women Police Station, Tiruchendur, Tuticorin District and quash the same against the petitioners are concerned.

For Petitioners : Mr.J.C.Rathnavel Pandian

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

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in C.C.No.20 of 2017 on the file of the learned Judicial Magistrate, Sathankulam, Tuticorin District.



2.The petitioners are facing trial for the offences under Sections 498(A), 406, 294(b), 506(ii) of IPC and Section 4 of the Dowry Prohibition Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act,2002.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. No doubt they are persuasive and attractive. But I am unable to grant any relief for the simple reason that the trial in this case has already commenced.

4.The learned Government Advocate(Criminal Side) submitted that as many as five witnesses have been examined in chief. This Court has been adopting the practice of not quashing the proceedings where the trial had already commenced. It is not as if the trial commenced during the pendency of this Criminal Original Petition or if the earlier interim stay granted by this Court was lifted. The quash petition itself was filed only after the trial had commenced.

5.Therefore, leaving open the petitioners' contentions and defences, this Criminal Original Petition stands dismissed. However, taking note of the over all facts and circumstances of this case, the personal appearance of the petitioners before the Court below stands dispensed with. Ofcourse, they have to appear through their counsel. The petitioners have to appear before the Court below, on those occasions when they are directed to be present. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Sathankulam, Tuticorin District.

2.The Inspector of Police, All Women Police Station,
Tiruchendur, Tuticorin District.

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

+1 CC to M/s.J.C.RATHNAVEL PANDIAN, Advocate (SR-12429[F] dated
19/03/2020)

Crl.O.P. (MD)No.4774 of 2020

18.03.2020

AP(03/06/2020) 2P 5C

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