



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD).No.12765 of 2020

and

Crl.M.P.(MD) Nos.5843 & 5844 of 2020

WEB COPY

1.Chellamal @ Chellam
2.K.Jegan
3.K.Senthil

...Petitioners/Accused 1 to 3

vs.

1.The Inspector of Police
Panagudi Police Station
Tirunelveli District
(Crime No.35 of 2018)

...1st Respondent/Complainant

2.Yogapathi

...2nd Respondent/Defacto
Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in C.C.No.16 of 2019 under Sections 448, 294(b), 323, 324, 506 (ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 pending trial on the file of the Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same.

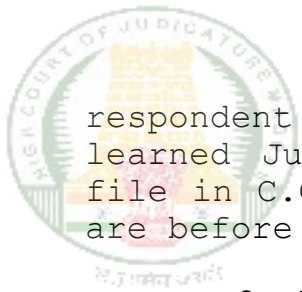
For Petitioners : Mr.R.Aravind Raj

For R1 : Ms.S.E.Veronica Vincent
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.16 of 2019 under Sections 448, 294(b), 323, 324, 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 pending trial on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same.

2.It is alleged in the complaint that due to previous enmity regarding the fixation of window between the third respondent / defacto complainant and petitioners/accused, the petitioners trespassed into the defacto complainant's house and bite her left index finger and also intimidated her with dire consequences. In consequence of that, the defacto complaint lodged a complaint before the respondent police. After completing investigation, the



respondent police laid the final report on 18.05.2018 before the learned Judicial Magistrate, Valliyoor and the same was taken on file in C.C.No.16 of 2019. Aggreived over the same, the petitioners are before this Court. .

3.Though the learned counsel appearing for the petitioners raised several grounds for quashing the proceedings in C.C.No.16 of 2019, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioners to raise all the grounds raised in this petition before the trial Court. He further submitted that since first petitioner being a lady aged about 60 years, she could not able to appear before the trial Court in this pandemic situation and the petitioners 2 & 3 are also unable to appear before the trial Court due to their job. Therefore, he requested that the appearance of the petitioners may be dispensed with before the Trial Court.

4.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the first respondent and perused the materials available on record. In view of the order going to be passed, notice to the third respondent is not necessary.

5.In the light of the above said submissions of the learned counsel appearing for the petitioners, this Court, without going into the merits of the case, directs the learned Judicial Magistrate, Valliyoor, Tirunelveli District to complete the trial in C.C.No.16 of 2019, within a period of six months from the date of receipt of a copy of this order. The personal appearance of the petitioners before the trial Court is dispensed with except during the dates on which, the learned Judicial Magistrate insists their appearance if it is necessary.

6.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

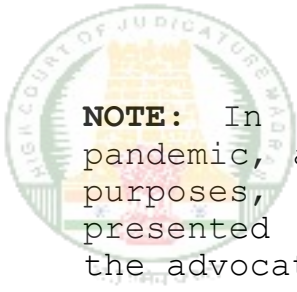
Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Msa



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Judicial Magistrate
Valliyoar
Tirunelveli District
- 2.The Inspector of Police
Panagudi Police Station
Tirunelveli District
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

ORDER MADE IN
Crl.O.P. (MD) .No.12765 of 2020
and
Crl.M.P. (MD) Nos.5843 & 5844 of 2020
10.11.2020

PU(CO)
AP(23/11/2020) 3P 4C