



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.(MD)No.17184 of 2016

and

Crl.M.P.(MD)Nos.8509 and 8510 of 2016

WEB COPY

1.Masanam
2.Esakkiammal
3.Ponnulingam
4.Dhanalakshmi
5.Selvakumar
6.Rajalingam

... Petitioners/A2 TO A7

vs.

1.The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.

... 1st Respondent/Complainant

2.Emuna

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Petition filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.35 of 2016, on the file of the learned Judicial Magistrate Court No.III, Nagercoil and quash the same.

For Petitioners : No Appearance

For R1 : Mr.R.Anandharaj

Additional Public Prosecutor

For R2 : Mr.K.Sudalaiyandi

ORDER

No representation for the petitioners.

2.It is a case of dowry harassment against these petitioners who are in-laws of the de-facto complainant. They are arrayed as A2 to A7. In the petition, it is stated that the complaint is very general in nature and no specific allegation is made against these petitioners who are in-laws of the de-facto complainant. However, on reading the 161 statement recorded by the prosecution, this Court finds there are certain references attributing overt act to these petitioners leading to dowry harassment.

3.The learned Additional Public Prosecutor appearing for the State would submit that the matter is listed before the trial Court for examination of L.W.1/de-facto complainant.



4.Taking note of the fact that the *prima facie* materials against these petitioners is spoken by the de-facto complainant, the petition to quash the criminal prosecution cannot be entertained.

5.In the said circumstances, this Criminal Original Petition is disposed of with a direction to the learned Judicial Magistrate Court No.III, Nagercoil to complete the trial within a period of five months from the date of receipt of a copy of this order.

6.The personal appearance of the petitioners before the trial Court shall stand dispensed with. The petitioners shall appear at the time of examination U/s. 313 Cr.P.C., and at the time of pronouncement of the Judgment. Except the aforesaid occasions, on other hearing dates the petitioners can be represented through their counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj1

To

1.The Judicial Magistrate Court No.III, Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.

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

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MK (10.06.2020) 2P 4C