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CRL.O.P.(MD)NO.9843 OF 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.9843 of 2018

and

CRL.M.P.(MD)Nos.4396 & 4397 of 2018

1. Mehar Nisha
2. Kaja Mydeen

... Petitioners/Accused Nos.2 and 3

Vs.

1. State rep. by,
The Inspector of Police,
All Women police station,
Thallakulam, Madurai City.
(Crime No.12 of 2017)

... Respondent/Complainant

2. Reshma

... Respondent/Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Charge sheet in C.C.No.214 of 2017 on the file of the learned Additional Mahila (Magistrate) Court, Madurai and quash the same as against the petitioners.

For Petitioner : Mr.S.M.A.Jinnah
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).

O R D E R

This criminal original petition has been filed by accused Nos.2 and 3 for quashing the proceedings in C.C.No.214 of 2017 on the file of the Additional Mahila (Magistrate) Court, Madurai.

2. When the matter was taken up for hearing, the learned Government Advocate(Crl. Side) pointed out that the petitioners herein have also moved the Court below by filing a discharge petition.

3. The petitioners cannot file a discharge petition and a quash petition at the same time. The petitioners cannot pursue



parallel remedies. The petitioners will have to choose their course of action.

4. This criminal original petition stands dismissed. It is made clear that this Court has not gone into the merits of the matter. The right of the petitioners to pursue the discharge petition is of course left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1. The Judge,
Additional Mahila (Magistrate) Court, Madurai.
2. The Inspector of Police,
All Women police station,
Thallakulam, Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-9794[F] dated 03/03/2020)

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pmu

SDS (19.03.2020) 2P-5C