



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P. (MD)No.7045 of 2016

and

Crl.M.P. (MD)Nos.3554 and 3555 of 2016

1.Charles
2.Micheal
3.Thai
4.Nirmala
5.Lillimalar
6.Indra

... Petitioners / Respondents

-vs-

1.The State of Tamil Nadu,
represented by the Inspector of Police,
All Women Police Station, Colachel,
Kanyakumari District. ... 1st Respondent / Complainant

2.Jamilamalar ... 2nd Respondent / Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the charge sheet in C.C.No.204 of 2015 on the file of the Judicial Magistrate, Eraniel and quash the same.

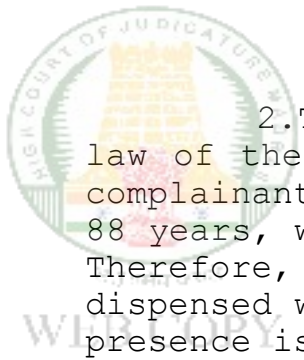
For Petitioners: Mr.A.Rajkumar Sen

For R1 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

For R2 : Mr.B.Brijesh Kishore

O R D E R

The petitioners are facing trial in C.C.No.204 of 2015 on the file of the Judicial Magistrate, Eraniel for the offences under Sections 498(A), 494, 406, 420, 506(i) of IPC and Sections 3, 4 and 6 of Dowry Prohibition Act. The learned counsel for the petitioners state that he is withdrawing this Criminal Original Petition as regards the petitioners 1, 2 and 3 and that he would establish their defence before the Trial Court. Permission is granted and this Criminal Original Petition is dismissed as withdrawn as regards the petitioners 1, 2 and 3 are concerned.



2.The petitioners 1, 2 and 3 are the husband and parents-in-law of the defacto complainant. The parents-in-law of the defacto complainant are very aged persons. The father-in-law is aged about 88 years, while the mother in law is aged about 84 years as on date. Therefore, their personal appearance before the Court below is dispensed with. The Court below will call upon them only when their presence is imperative.

3.The fourth petitioner is the sister-in-law. The fifth petitioner is also the sister in law of the defacto complainant. The sixth petitioner appears to have subsequently married the first petitioner. But then on carefully going through the materials on record, it is seen that no offence is made out as far as they are concerned.

4.I am of the view that continuation of the impugned proceedings against them could only be an abuse of legal process. The impugned proceedings in C.C.No.204 of 2015 on the file of the Judicial Magistrate, Eraniel, is quashed as regards the petitioners 4, 5 and 6 are concerned. This Criminal Original Petition is allowed. The learned Trial Magistrate is directed to dispose of C.C.No.204 of 2015 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate, Eraniel.

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

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

+1 CC to M/s.A.RAJKUMAR SEN, Advocate (SR-650[F]

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-779[F]

Crl.O.P. (MD)No.7045 of 2016

and

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