



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P. (MD)No.8452 of 2016

and

Crl.M.P. (MD)Nos.4108 and 4109 of 2016

- 1.Ramar
- 2.Vanitha
- 3.Vellaiammal
- 4.Karalam
- 5.Vellammal

... Petitioners / Accused 1 to 5

-vs-

- 1.The Inspector of Police,
All Women Police Station,
Virudhunagar District.

... Respondent No.1 / Complainant

- 2.Muthumari

... Respondents No.2 / Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the petitioner in final report in C.C.No.24 of 2016 on the file of the Judicial Magistrate Court, Aruppukottai, Virudhunagar District in Crime No.18 of 2015 on the file of the respondent police and quash the same as illegal.

For Petitioners : Mr.R.Udhayakumar

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

For R2 : Mr.G.Mariappan

ORDER

The petitioners are figuring as A1 to A5 in C.C.No.24 of 2016 on the file of the Judicial Magistrate, Aruppukottai for the offences under Sections 498(A), 494, 406 and 506(i) of IPC. The second respondent is the defacto complainant.

2.The counsel appearing for the petitioners reiterated the contentions set out in the memorandum of grounds and wanted this Court to quash the impugned proceedings.

3.Per contra, the learned Government Advocate as well as the counsel appearing for the defacto complainant submitted that the



petitioner should be relegated to workout their remedies before the Court below.

4.I carefully considered the rival contentions and perused the materials on record. The case of the prosecution is that the first petitioner was originally wedded to the second respondent herein. The second respondent was subjected to marital cruelty. The first petitioner thereafter married the second petitioner herein and begot a male child on 03.07.2014 and the child was named as Muthuselvam. The third petitioner is the mother of the second petitioner. The petitioners 4 and 5 are the parents of the first petitioner.

5.The petitioners will have to be necessarily establish their innocence only before the Court below in a regular trial. None of the contentions urged by the learned counsel for the petitioners is sufficient to invoke the inherent powers of this Court.

6.Therefore leaving open the petitioners contentions and defences, this Criminal Original Petition stands dismissed. I make it clear that the Court below will try the case against the petitioners uninfluenced by the dismissal of this quash petition.

7.Considering the over all facts and circumstances of this case, the personal appearance of the petitioners 2 to 5 will stand dispensed with before the Court below. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate, Aruppukottai,
Virudhunagar District.
- 2.The Inspector of Police, All Women Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD) No.8452 of 2016

and

Crl.M.P. (MD) Nos.4108 and 4109 of 2016

pnn

SDS (03.06.2020) 2P-4C

<https://hcservices.ecourts.gov.in/hcservices/>