



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.9703 of 2016

and

Crl.M.P. (MD)No.4867 of 2016

1.Tamilselvi

2.Muniyammal

... Petitioners/Accused Nos.6 & 7

-vs-

1.The State represented by

The Inspector of Police,

Vilathikulam Police Station,

Thoothukudi District. ... 1st Respondent/Complainant
(in Crime No.164 of 2015).

2.Manonmani

... Respondents/Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the case in C.C.No.98 of 2016 on the file of the Judicial Magistrate Court, Vilathikulam and quash the same as against the petitioners thereby by allow the present Criminal Original Petition.

For Petitioner : Mr.C.Jeyaprakash

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

For R2 : Mr.G.Prabhurajadurai

O R D E R

The petitioners are facing trial in C.C.No.98 of 2016 on the file of the learned Judicial Magistrate, Vilathikulam, for the offences under Sections 147, 294(b), 323, 506(i) of IPC and Section 4 of Tamil Nadu Women Harassment Act.

2.The learned counsel for the petitioner points out that as regards the petitioners herein, the allegations are only under Section 147 and 294(b) of IPC.

3.The learned counsel for the defacto complainant / R2 drew my attention to the statement recorded under Section 161(3) of IPC pointing out that the allegation is that the petitioners were also part of the group that abused the victim with filthy language.



4.Eventhough no serious allegation is made against the petitioners herein, still no case has been made out for invoking the inherent powers of this Court for quashing the impugned proceedings. The contentions of the learned counsel for the petitioners are rather factual in nature and the petitioners will have to establish their innocence during the regular trial before the Court below.

5.Leaving open all the contentions and the defence of the petitioners, this Criminal Original Petition is dismissed. Since the petitioners are women, their personal appearance before the Court below is dispensed with. On those occasions, when their presence is insisted upon by the Court below. On those occasions when they are not present, they will be represented by their counsel. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

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

+1 CC to Mr.C.JEYAPRAKASH, Advocate (SR-2728[F] dated 24/01/2020)

Crl.O.P. (MD)No.9703 of 2016

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VB (03.06.2020) 2P 4C