

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.14754 OF 2015

AND

CRL.M.P.NOS.1 AND 2 OF 2015

1.E.Ayyanar S/o.Elumalai  
2.M.Elumalai S/o.Manickam  
3.E.Senthilvathi W/o.Elumalai  
4.N.Irusammal W/o.Natesan  
5.E.Sarala D/o.Elumalai  
6.S.Livith S/o.Sanjeevi

... Petitioners

Vs.

1. State by  
The Inspector of Police  
All Women Police Station  
Villianur, Puducherry  
Crime No.13 of 2013

2. Usha W/o.Ayyanar  
(R2 is Suo Motu impleaded as per  
order in Crl.O.P.No.14754 of 2015 dated 25.08.2020)

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of  
Criminal Procedure Code to;

A) Dispense with the personal appearance of he petitioners  
in C.C.No.28 of 2015 on the file of the Chief Judicial  
Magistrate, Puducherry, pending rial in C.C.No.28 of 2015.

B) Grant stay of all further proceedings in C.C.No.28 of  
2015 on the file of the Chief Judicial Magistrate, Puducherry  
pending disposal of the above quash petition.

C) Call for the entire records concerned in C.C.No.28 of  
2015 on the file of the Chief Judicial Magistrate, Puducherry  
and Quash the same in so far relates to the petitioners are  
concerned.

For Petitioners : Mr.C.Prakasam (NA)  
For Respondent-1: Mr.Bharatha Chakravarthy  
Public Prosecutor (Pondy)  
For Respondent-2 :Mr.R.Sreedhar

O R D E R

This Criminal Original Petition has been filed by the petitioners to call for the records in C.C.No.28 of 2015 on the file of the learned Judicial Magistrate, Puducherry and to quash the same insofar as the petitioners are concerned.

2. When the case was posted on 09.03.2021, there was no representation for the petitioner and thereby the case was directed to be listed under the caption for dismissal on 11.03.2021. Even today i.e. on 11.03.2021, there is no representation for the petitioner.

3. The learned Counsel for the 2<sup>nd</sup> respondent would submit that it is a case of matrimonial cruelty coupled with demand of dowry. The 1<sup>st</sup> petitioner being an Advocate had dragged on the proceedings. He would submit that there are materials to make out the charge for the offences and that the petitioners have not made out any grounds for quashing.

4. The learned Public Prosecutor (Pondy) would submit that it is the crime number of the year 2013 and the respondent have completed the investigation and filed the final report and the same has been taken up on file in C.C.No.28 of 2015 on the file of the learned Chief Judicial Magistrate, Puducherry. He would submit that though there is no stay, the first petitioner had filed several petitions and that they were disposed of by the trial Court and as on today, the case stands posted for the appearance of the accused on 13.03.2021. He would submit that there are 7 witnesses in this case and there are ample evidences to prove the charges and that the petitioners have not made out a case for quashing and the grounds raised are factual in nature which have to be raised and agitated during trial and not in a petition under Section 482 Cr.P.C.

5. Heard the learned Counsel for the 2<sup>nd</sup> respondent and the learned Public Prosecutor (Pondy) appearing for the 1<sup>st</sup> respondent and perused the materials on record.

6. There is no representation for the petitioners.

7. This Court is of the opinion that the petitioners have not made out any grounds for quashing.

8. However, since the case is of the year 2015, the learned trial Judge is directed to accord priority to the case in C.C.No.28 of 2015 and complete the trial as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

9. With the above observations, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

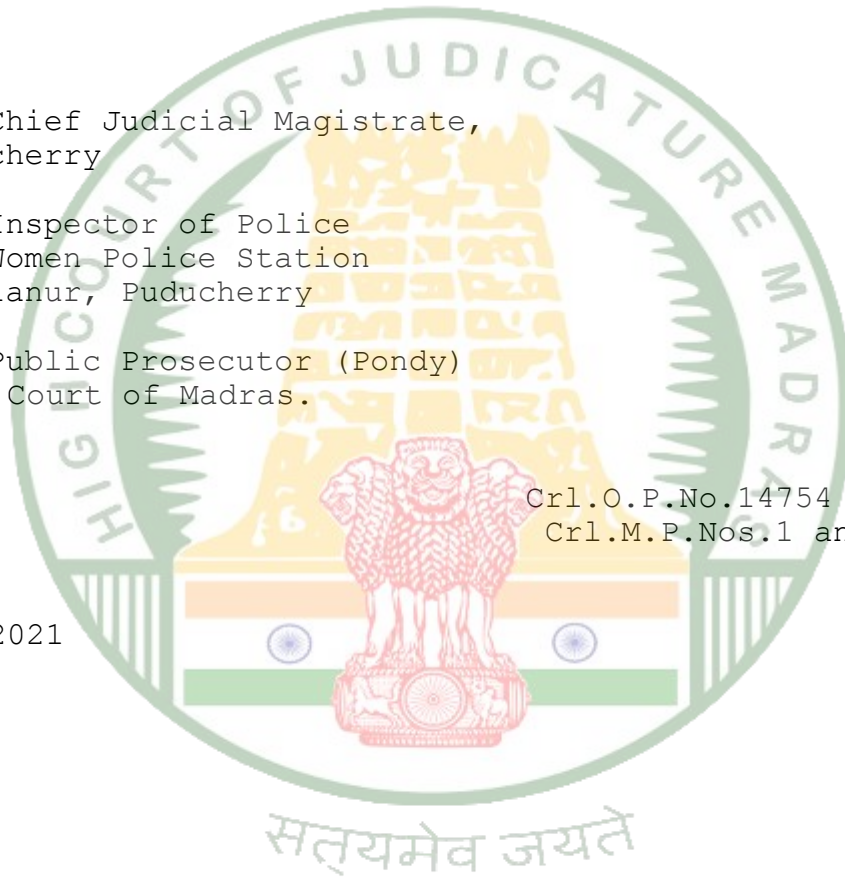
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To

1. The Chief Judicial Magistrate,  
Puducherry
2. The Inspector of Police  
All Women Police Station  
Villianur, Puducherry
3. The Public Prosecutor (Pondy)  
High Court of Madras.

Crl.O.P.No.14754 of 2015 and  
Crl.M.P.Nos.1 and 2 of 2015

SMI (CO)  
CS/29/03/2021



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