



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.OP.NO.28857/2015 & MP.NO.1/2015

[VIDEO CONFERENCING]

1.P.S.Saminathan
2.S.Kamalam
3.Jayakumar
4.G.Kamaraj

...Petitioners

Versus

1. State rep.by
Inspector of Police
All Women Police Station
Salem Town, Salem District.

2. V.Subhalakshmi

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to CC.No.114/2014 on the file of the learned Additional Judge, Mahila Court [Magistrate Level], Salem and quash the same.

For Petitioners : Mr.P.Jagadeesan

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(1) The petitioners are A5, A6, A8 and A9 in CC.No.114/2014 now pending on the file of the learned Additional Judge, Mahila Court [Magistrate Level], Salem.



- (2) They are facing charges under Sections 498-A, 406, 506[ii], 494 and 109 IPC and also under Section 4 of the Dowry Prohibition Act.
- (3) Pursuant to investigation, a Final Report had been filed. It is the grievance of the defacto complainant who is shown as the 2nd respondent herein that A1, after having entered into a lawful wedding with her, had taken a decision to marry again A4. This has been the reason why Section 494 IPC has now been charged as against the petitioners. The petitioners herein are said to have actively participated in the said second marriage. There is also a charge under Section 498-A IPC.
- (4) There is no progress in the said Calendar Case from the year 2014 onwards in view of the stay granted by this Court.
- (5) It would only be appropriate that the petitioners appear before the Magistrate Court concerned. I am informed that before the Magistrate Court, the matter is posted for questioning on 27.10.2021. This naturally means that the learned counsel for the accused is representing the case before the Magistrate Court.
- (6) I would only give an opportunity to the present petitioners to raise all possible defences before the said Magistrate who may consider them on the basis of the records and on the basis of the submissions made. Needless to point out, the petitioners also have every statutory right to question any charges framed. But keeping this petition pending on the board of this Court for another six years, would be of no avail to either the petitioners or to the other accused or to the defacto complainant and also to the prosecution.
- (7) Giving necessary liberty to the petitioners to raise all defences, and take recourse to available provisions as laid down in law, the present Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

AP



To

1. The Additional Judge
Mahila Court [Magistrate Level]
Salem.

2. The Inspector of Police
All Women Police Station
Salem Town, Salem District.

3. The Public Prosecutor
High Court, Madras.

+1cc to M/s.P.Jagadeesan, Advocate, S.R.No.49407

Cr1.OP.No.28857/2015

CP(CO)
RLP(13/10/2021)