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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P NO.4200 & 9392 OF 2018

AND

CRL.M.P.NO.1937 & 4846 OF 2018

CRL.O.P.NO.4200 OF 2018

1. T.Durai @ Duraikannu
2. D.Gnanasundari

... Petitioners

.Vs.

1. The Inspector of Police,
Tindivanam All Women Police Station,
Tindivanam.

2. Sivaranjani @ Yuvarani @ Ranjani
3. Krishnan
4. Senbagam
5. Babu
6. Vanaja
7. Allimuthu

... Respondents

CRL.O.P.NO.9392 OF 2018

1. Sivaranjani @ Yuvarani @ Ranjani
2. Krishnan
3. Senbagam
4. Babu
5. Vanaja
6. Allimuthu

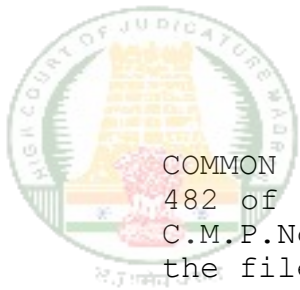
... Petitioners

.Vs.

1. The Inspector of Police,
Tindivanam All Women Police Station,
Tindivanam.

2. T.Durai @ Duraikannu
3. D.Gnanasundari

... Respondents



COMMON PRAYER:- Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed in C.M.P.No.700 of 2017 in CC.No.226 of 2015, dated 10.03.2017 on the file of the learned Judicial Magistrate-I, Tindivanam.

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For Petitioners : Mr.V.V.Sairam
(In both petitions)

For Respondent : Mr.A.Gopinath - R1
(In both petitions)
Government Advocate (Crl. Side)

COMMON ORDER

Questioning the issuance of notice by the trial Court to add the petitioners as accused, the present criminal original petitions have been filed by the petitioners.

2. The case of the prosecution is as follows:-

the first accused and the defacto complainant got married, during the year 2007. The said marriage was love marriage and couples belong to the different caste. Soon after the marriage, her husband, namely, the first accused and his parents, viz., accused Nos. 2 and 3 started harassing her and demanded dowry. The first accused is an agriculturist and he used to visit his house once in two months. Further, her in laws used to give mental torture to her and demanded more dowry.

3. While so, the first accused married another girl, despite her strong objection. The first accused threatened the defacto complainant that he would mow her down using car. Thereafter, the defacto complainant preferred a police complaint. However, the same was not acted upon. Thereafter, the defacto complainant preferred a private complaint before the Court below. Subsequently, the defacto complainant filed a petition under Section 319 Cr.P.C. in CMP.No.100/2017 in CC.No.226 of 2015, to add respondents arrayed therein as accused. The learned Judicial Magistrate-I, Tindivanam, ordered notice to be issued to the proposed respondents returnable by 03.04.2017. As against the said order, the present original petitions have been filed by the petitioners, who are relatives of the accused and the persons, who organized the second marriage.

4. Heard the learned counsel for the petitioners and the learned Government Advocate in detail. This Court has also perused the documents filed in support of these petitions.



5. The learned Magistrate, on receiving the petition filed under Section 319 of Cr.P.C., has merely ordered notice to be issued to the accused mentioned therein. Immediately, on receipt of such notice, the petitioners have rushed to this Court by filing these original petitions to set aside such order of the trial Court. The said act of the petitioners has to be deprecated. The petitioners ought to have raised objections in respect of issuance of such notice and ought to have chosen to file counter-affidavit to the petition. In spite of following such procedures, the petitioners have filed these petitions. Therefore, this Court is not inclined to pass any order in these petitions.

6. Considering the facts and circumstances of the case and without expressing any opinion, this Court permit the petitioners to raise their objections, if any, before the trial Court. If any objection is filed, the trial Court shall pass an appropriate order on merits and in accordance with law.

7. With the above directions, these Criminal Original Petitions are disposed of. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The Inspector of Police,
Tindivanam All Women Police Station,
Tindivanam.
2. The Judicial Magistrate - I,
Tindivanam.
3. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.V.V.Sairam, Advocate, S.R.Nos.46452 & 46453

CRL.O.P NO.4200 & 9392 OF 2018 AND
CRL.M.P.NO.1937 & 4846 OF 2018

GSM(CO)
PBS/17/11/2021