



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.27434 of 2016, 2350 & 6392 of 2017

and

Crl.M.P.Nos.13974, 13975 of 2016, 1659, 4727 & 4728 of 2017

1.Mangayarkarai

2.Ashok @ Ashokkumar

...Petitioners / 3rd & 9th Accused
(in Crl.O.P.No.27434 of 2016)

3.Pachaiyappan

...Petitioner / 8th Accused
(in Crl.O.P.No.2350 of 2017)

4.G.Gajalakshmi

5.Praksh @ Gnanaprakasam

... Petitioners / 4th & 7th Accused
(in Crl.O.P.No.6392 of 2017)

Vs.

The State, rep.by,
The Inspector of Police,
B1 Sivakanchi Police Station,
Kancheepuram.

...Respondent
(in all cases)

Prayer: These Criminal Original Petitions are filed under Section 482 of Cr.P.C., to call for the records pertaining to S.C.No.(K)23 of 2016 on the file of the Judge, Mahila Court, Chengalpattu and quash the same.

For Petitioners
(in all cases)

: Mr.M.Selvam

For Respondent
(in all cases)

: Mr.E.RajThilak,
Additional Public Prosecutor

COMMON ORDER

There is no representation on behalf of the petitioners. However, in view of the fact that the accused had decided to participate in the trial proceedings and trial has also commenced, I hold that there is no point in holding up these Criminal Original Petitions on the file of this Court.

2.Crl.O.P.No.27434 of 2016 had been filed by the 3rd and 9th



accused, Crl.O.P.No.2350 of 2017 had been filed by the 8th accused and Crl.O.P.No.6392 of 2017 had been filed by the 4th and 7th accused. Originally, FIR in Crime No.316 of 2014 had been registered under Section 174 of Cr.P.C. Thereafter, on investigation, it had been altered to Section 294 (b) and 306 IPC. Thereafter, by an order of a learned Single Judge of this court in Crl.O.P.No.10879 of 2021 dated 02.08.2021, the offence had been further altered to under Section 302 IPC.

3.Any trial under Section 302 IPC will naturally have to go through its entire process and the Court cannot interfere with such proceedings, particularly when a learned Single Judge of this Court had applied his mind and had directed to alter the sections from Sections 294 (b) and 306 IPC to Section 302 IPC.

4.I am also informed that trial has commenced before the Mahila Court, Chengalpet in S.C.No.(K) 23 of 2016 and on 06.09.2021. Chief examination of PW-1, PW-2 and PW-3 had been recorded. The matter is again posted on 13.10.2021. A direction is given to the Mahila Court, Chengalpet to proceed with the trial and the discretion is left to the petitioner either to participate or not to participate. At any rate, the trial should proceed in manner known to law.

5.With the above observations, the present Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

smv

To

1. The Judge,
Mahila Court, Chengalpattu.

2. The Inspector of Police,
B1 Sivakanchi Police Station,
Kancheepuram.

3. The Public Prosecutor, High Court, Madras.

+3cc to M/s.M.Selvam, Advocate, S.R.No.50816, 50818, 50820
Crl.O.P.Nos.27434 of 2016, 2350 & 6392 of 2017

AJS(CO)

RGA(27/10/2021)