



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.8405 of 2018

and

Crl.M.P.Nos.4356 & 4357 of 2018

1. Chokkalingam
2. Suguna

.. Petitioners

Vs.

1. The Inspector of Police,
All Women Police Station,
Thiruvannamalai Taluk,
Thiruvannamalai District.

2. Karthika

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.241 of 2017 on the file of the Court of Judicial Magistrate - II, Thiruvannamalai District and quash the same.

For Petitioners : Mr.G.Shakthivel

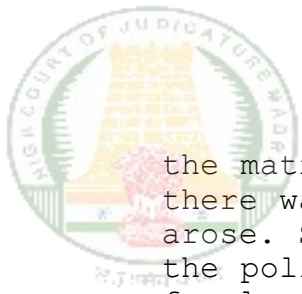
For Respondent No.1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For Respondent No.2 : No appearance

O R D E R

This petition has been filed by the petitioner to call for the records in C.C.No.241 of 2017, on the file of the Court of Judicial Magistrate - II, Thiruvannamalai District and quash the same.

2. Facts leading to the present round of litigation is that the petitioners herein are the father-in-law and mother-in-law of the 2nd respondent. The marriage between the petitioner's son and the 2nd respondent herein was solemnized on 14.06.2009, in the presence of elders of the family and the petitioner's son is working as a Police Constable in Thiruvannamalai District Reserved Armed Force. After marriage, the couples were lived in



the matrimonial home and after six month of their marriage life, there was no compatibility between them and frequent quarrel had arose. So the petitioner and his family decided to shift them to the police quarters and in the meantime, they have also begotten female child, namely, Joshitha on 02.06.2010. Thereafter also, there was no companionship between the couples, thereby the 2nd respondent lodged a Dowry Harassment and Domestic Violence case before the All Women Police Station and the same was registered as FIR No.25/2016, under Section 498(A) IPC against the petitioners. Thereafter, the petitioners were arrested and released on bail by the Courts below.

3. The petitioner's son has filed H.M.O.P.NO.146/2015 before the Sub Court, Thiruvannamalai, on 21.09.2015, and the case is pending. In the above said case, the 2nd respondent has filed I.A.No.15/2016, seeking claim for a sum of Rs.2,500/- for the 2nd respondent and Rs.2,000/- for her child as interim maintenance.

4. It is the case of the petitioner that the criminal prosecution in FIR No.25/2016, against the petitioners was instituted by the 2nd respondent with ulterior motive for wreaking vengeance against the petitioners and therefore, the petitioner is before this Court to quash C.C.No.241/2017, on the file of the Court of Judicial Magistrate II, Thiruvannamalai District.

5. The learned counsel appearing for the petitioner submitted that the 2nd respondent has made frequent wordy quarrel with the petitioners and their son and lodged a police complaint as if the petitioners have harassed her. The 1st respondent, without conducting any proper enquiry has registered a case in FIR No.25/2016 and same was culminated into a Charge Sheet in C.C.No.241/2017. Hence, the learned counsel prays to quash the proceedings pending before the Trial Court.

6. The learned Government Advocate (Crl.Side) submitted that if this Court fixes any outer limit time limit for concluding the trial before the Trial Court, the same may be given disposal accordingly and further this Court may issue a direction to the Trial Court to expedite the trial and complete the same as early as possible.

7. There is no representation on behalf of the 2nd respondent. This Court, considering the pendency of this petition, is inclined to dispose of the matter on merits.

8. A perusal of the complaint discloses that necessary ingredients are available to implicate the petitioners in the present case on hand. However, expressing any opinion on the



merits of the case will affect the rights of the parties before the Trial Court, where the case is pending adjudication and therefore, this Court is inclined to issue direction to the Trial Court to dispose of the proceedings in C.C.No.241/2017, on the file of the Judicial Magistrate II, Thiruvannamalai District, as expeditiously as possible. Further considering the age of the petitioner and as requested by the learned counsel for the petitioners, their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners are necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

9. This Criminal Original Petition is disposed of with the above observations. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sk

To

- 1.The Judicial Magistrate - II,
Thiruvannamalai District.
- 2.The Inspector of Police,
All Women Police Station,
Thiruvannamalai Taluk,
Thiruvannamalai District
- 3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.8405 of 2018
and
CrI.M.P.Nos.4356 & 4357 of 2018

KSM (CO)
PR (01/10/2021)