

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL MISCELLANEOUS PETITION NO.5779 OF 2016

IN CRL.OP.NO.11285 OF 2016

1 C. MOSES
2 CHANDRAN
3 JOSHUA

[PETITIONERS / ACCUSED]

Vs

1 THE STATE REP. BY
INSPECTOR OF POLICE,
W 35 ALL WOMEN POLICE STATION,
TAMBARAM,
CHENNAI - 600 045.

[RESPONDENT / COMPLAINANT]

2 KANCHANA @ CATHERIN

[RESPONDENT / DEFECTO COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.OP.NO.11285 OF 2016 on the file of the High Court, the High Court will be pleased to stay all further proceedings in to C.C.NO.366 of 2015 on the file of the Judicial Magistrate, Tambaram pending disposal of the above CRL.OP.NO.11285 OF 2016 [IN CRL.MP.NO.5779 OF 2016]

Order : These petitions coming on for orders upon perusing the petitions and Memorandum of Grounds in CRL.OP.NO.11285 OF 2016 On the file of the High Court and upon hearing the arguments of M/S.M.MUSHTAQ AHMED, Advocate for the petitioner, and of MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the 1st Respondent the court made the following order:-

The main Criminal Original petition has been filed seeking to quash the C.C.No.366 of 2015 on the file of learned Judicial Magistrate, Tambaram.

2. The case of the prosecution is that the petitioner and other accused persons had arranged for a marriage between the 1st petitioner and the defacto complainant on 07.07.2014 and circulated the invitation card to the relatives, friends and neighbours. While so, the 1st petitioner by giving a false promise that he will marry the defacto complainant on the fixed date, had taken the defacto complainant to Vandalur Zoo and misbehaved with her. The defacto complainant was shocked by the act of the 1st petitioner, had escaped from that place. Thereafter, the 1st petitioner refused to marry the defacto complainant and cheated her. The defacto complainant preferred

a complaint before the respondent police. An FIR came to be registered by the respondent police in Crime no.49 of 2014 for the offences punishable under Sections 417 and 420 of IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act against the petitioners. The respondent police filed a charge sheet before the learned Judicial magistrate, Tambaram in C.C.No.366 of 2015. Aggrieved by the said proceedings, the petitioners obtained an order of stay in this criminal Miscellaneous petition.

3. The learned Additional Public Prosecutor submitted that the respondent police has filed a charge sheet and the trial is almost completed and the case is pending at the stage of passing final orders. In view of the Stay granted by this Court, the trial Court is not able to pass final orders. The learned Additional Public Prosecutor requested this Court to vacate the stay granted by this Court.

4. In view of the submission made by the learned Additional Public Prosecutor, the stay granted by this Court shall stand vacated and accordingly, this Criminal Miscellaneous petition is dismissed and the Trial Court is directed to proceed further and complete the proceedings within a period of two months from the date of receipt of copy of this order.

5. Post this case on 14.06.2021.

-sd/-
27/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

WEB COPY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-35 ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI-600 045.

C.C. to M/S.M.MUSHTAQ AHMED Advocate on payment of necessary
charges

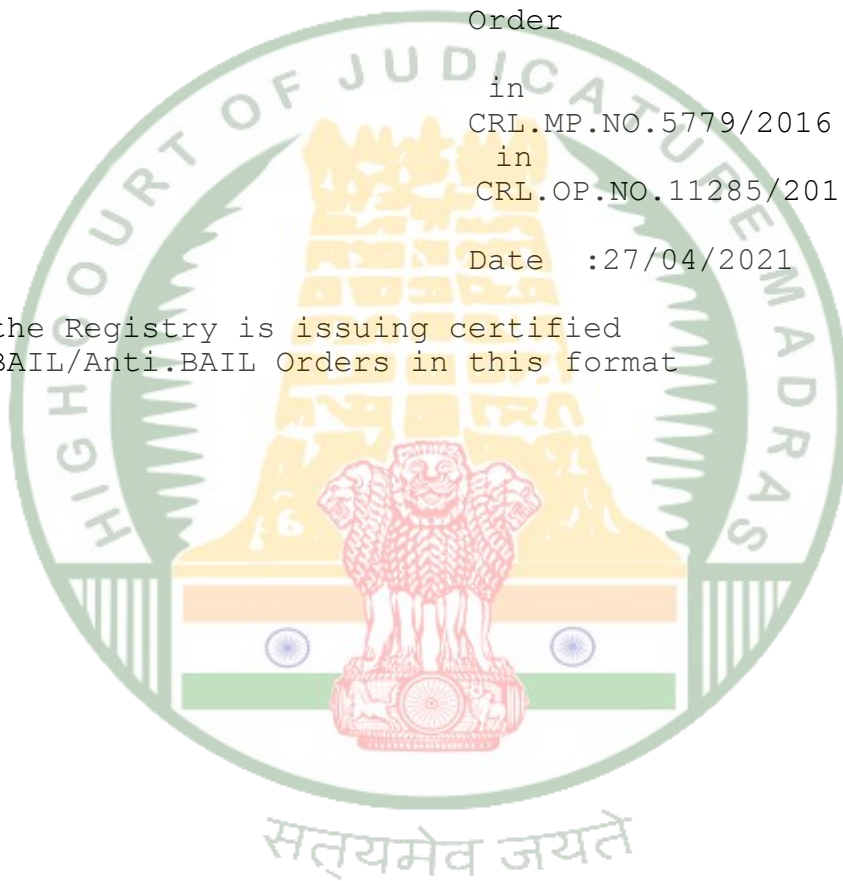
Order

in
CRL.MP.NO.5779/2016
in
CRL.OP.NO.11285/2016

Date :27/04/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:14/06/2021



WEB COPY