

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.O.P.No.1610 of 2018
and Crl.M.P.Nos.604 and 605/2018**

1.K.Seshagiri
2.K.Vasantha

... Petitioners

Vs.

1.The State of Tamil Nadu
rep.by the Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai 20.
(Cr.No.2/2016)

2.Kavitha Krishnan

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., to call for the records and quash the charges against the petitioners in the charge sheet in Cr.No.2 of 2016 on the file of the Inspector of Police, W-19 All Women Police Station, Adyar, Chennai 20, now pending in C.C.NO.6090 of 2016 on the file of the learned IX Metropolitan Magistrate at Saidapet, Chennai 15.

For Petitioner : Mr.K.Elango
For Respondent : Mr.C.E.Prathap, Government Advocate
(Crl.Side)

ORDER

The petitioners have filed this petition seeking to call for the records and quash the charges against the petitioners in the charge sheet in Cr.No.2 of 2016, on the file of the Inspector of Police, W-19 All Women Police Station, Adyar, Chennai 20, now pending in C.C.No.6090 of 2016 on the file of the learned IX Metropolitan Magistrate at Saidapet, Chennai 15.

2. Facts leading to the present round of litigation is that one Kavitha Krishanan, had given a complaint dated 11.06.2016 before the 1st respondent Police, alleging that the A1 / son of the petitioners herein were working in the same company and had love affair. The defacto complainant believing the sweet words of A1 were living together as husband and wife, without getting marriage, for some time in the apartment owned by the complainant. However, after some time, A1 had refused to marry her and threatened her with dire consequences. When she informed the same to the petitioners herein, they were scolded the defacto complainant in filthy language. Hence, she lodged a complaint before the respondent Police and

the respondent Police, based on the complaint, had registered the FIR and filed a Charge Sheet in C.C.No.6090 of 2016, on the file of the IX Metropolitan Magistrate at Saidapet, Chennai 15.

3.The learned counsel appearing for the petitioners submitted that they were never called or summoned for any kind of enquiry by the Police and the 1st respondent Police have included their names in the Charge Sheet based on the mere allegation of the defacto complainant in the FIR and 161(3) statement, without substantiating the same by any other means of direct or indirect evidence. He further submitted that they have unnecessarily dragged into these proceedings and they have been wrongly implicated in this case and prays for quashment of C.C.No.6090 of 2016, on the file of the IX Metropolitan Magistrate at Saidapet, Chennai 15.

4. The learned Government Advocate (Crl.Side) submitted that this issue involves adjudication on disputed question of facts and therefore, if some outer time limit is given, the Criminal Case may be given disposal as early as possible.

5.The contention of the learned counsel appearing for the petitioners is that they have been wrongly implicated in this case and there is no direct evidence to prove the allegation, as stated by the complainant in the complaint. As the issue involves adjudication before the Trial Court, the complaint lodged by the complainant cannot be quashed and further the issue raised is a triable issue which has to be decided by the Trial Court after trial.

6.Hence, I am not inclined to interfere with the proceedings in C.C.No.6090 of 2016, on the file of the IX Metropolitan Magistrate at Saidapet, Chennai 15.

7.It is now represented by the learned counsel appearing for the petitioners that without going into the merits of the case, it would suffice, if this Court issues direction to the Trial Court to expedite the trial and complete the same as early as possible. He further submitted that the appearance of the petitioners before the Trial Court may be dispensed with.

8.In view of the above, this Court directs the learned IX Metropolitan Magistrate at Saidapet, Chennai 15, to expedite the trial in C.C.NoC.C.No.6090 of 2016 and complete the same as expeditiously as possible. The appearance of the petitioners before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioners for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

9.This criminal original petition is disposed of. Consequently, connected miscellaneous petition in Crl.M.P.No.604/2018 is closed and Crl.M.P.No.605/2018 is ordered with the above observations.

28.06.2021

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Speaking Order/ Non Speaking Order

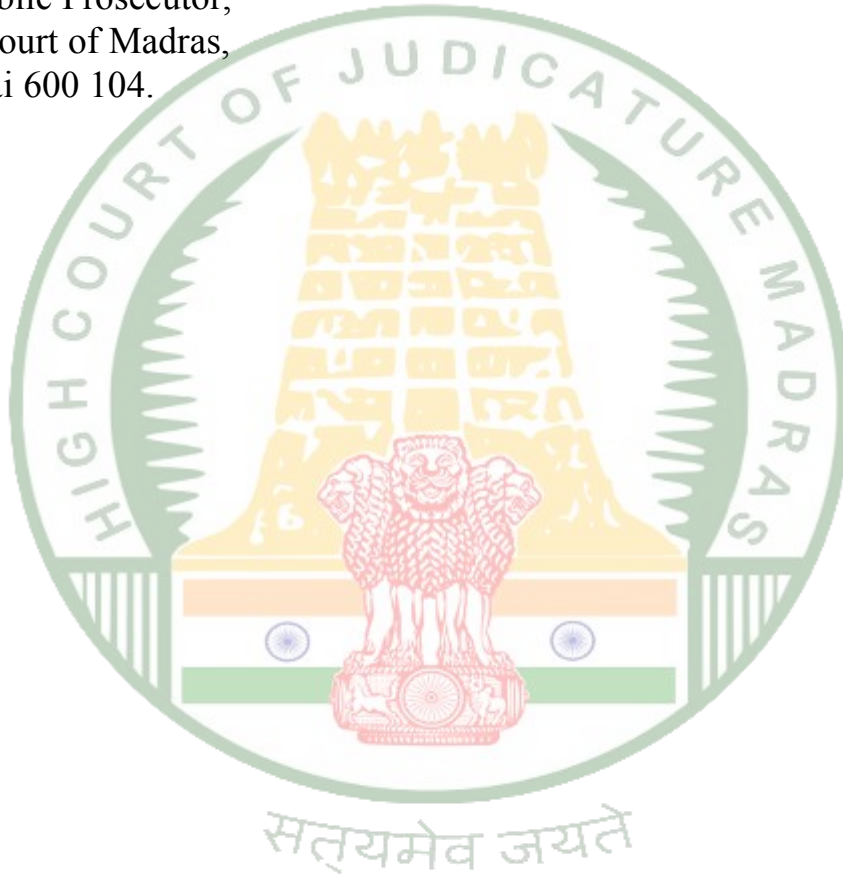
Index: Yes/ No

Internet: Yes/ No

To

1.The Inspector of Police,
T-15, SRMC Police Station,
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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M.DHANDAPANI,J.
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