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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16065 OF 2021

AND

CRL.M.P.NOS.8733 & 8735 OF 2021

1. B.Venkataramanappa
2. Mrs.Savithiri
3. Kiran
4. Nagendiran

... Petitioners

.Vs.

1. The Deputy Superintendent of Police,
Bagalur,
Krishnagiri District.

2. Marappa

... Respondents

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet in S.C.No.70 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri and quash the same is concerned.

For Petitioners : Mr.S.Suresh

For R1 : Mr.A.Damodaran
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition is filed to call for the records pertaining to the charge sheet in S.C.No.70 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri and quash the same is concerned.



2. The petitioners, who are A2 to A5 in S.C.No.70 of 2021 had filed the above said quash petition.

3. The marriage had taken place on 13.05.2018, as per the arrangements of the family elders, within a period of three months, she had been committed suicide by hanging and this is the specific case of the defacto complainant.

4. The contention of the petitioners is that there might be certain allegations levelled against A1 and as regards the petitioners herein, i.e. A2 to A5, who are the parents and brothers of A1 and there is no specific overtact attributed against them. The victim girl was of 19 years old and the marriage was taken place against her wish. Later the petitioner came to know that the marriage was against her wish and the petitioners herein have been falsely implicated in this case. Especially the fourth petitioner is pursuing his education.

5. The learned Government Advocate [Crl. Side] submitted that in this case, within three months time of the marriage, the victim girl had committed suicide by hanging. The defacto complainant/second respondent is the father of the victim had gone to the scene of occurrence and found that there have been some external injuries and no explanation was given. The Revenue Divisional Officer had conducted enquiry and the finding of the Revenue Divisional Officer is that the victim girl had committed suicide due to the demand of dowry.

6. The learned counsel appearing for the petitioners submitted that the first and second petitioners are aged persons. The third and fourth petitioners are students and compelling them to appear before the trial Court on all hearing date will cause hindrance for their future. Hence requested this Court to give a direction to the lower Court to accept and consider the 317 Cr.P.C. petition filed by the petitioners.

7. Considering the submissions and on perusal of materials, this Court finds the the points raised by the petitioners are factual in nature, which are to be decided during trial. In view of the above, the trial Court is directed to consider the 317 Cr.P.C. petition liberally filed by the petitioners, with the Caveat that they shall not dispute their identity and not to raise their objection for recording the evidence and to cross examine the witnesses without seeking any objections.



8. With the above directions, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.
2. The Deputy Superintendent of Police,
Bagalur,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.P.Saravanan, Advocate, S.R.No.47061

CRL.O.P.NO.16065 OF 2021 AND
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PM(CO)
PBS/22/10/2021