



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18856 of 2021  
and  
CrI.M.P.No.10370 of 2021

1. Manikandan
2. Maruthai
3. Malar

... Petitioners / A-1-3

Versus

1. The Inspector of Police  
Kunnam PS, Perambalur District.  
Cr.No.1233/2020.

...Respondent-I/ Complainant

2. Valliyammai

... Respondent-II / Defacto  
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in S.C.No.21 of 2021 on the file of the learned Principal District and Sessions Court, Perambalur and quash the same.

For Petitioners : Ms.Anitha  
for Mr.Vidhusan

For Respondents : Mr.R.Vinothraja (CrI.side)  
Government Advocate

O R D E R

The Petitioners/A1 to A3, who are facing trial for the offences punishable under Sections 498 (A) and 304 I.P.C. in S.C.No.21 of 2021, has filed this Criminal Original Petition.

2. The contention of the learned counsel appearing for the petitioners is that initially FIR in this case came to be registered for the offences punishable under Section 174 (3) Cr.P.C. and thereafter it was altered to Sections 498(A) and 304 (B) of I.P.C. He further submitted that RDO, in his report 06.08.2020 has given a categorical finding that there was no



dowry harassment and hence the offences punishable under Section 498A would not get attracted.

3. The learned Government Advocate (Crl.side) submitted that now the trial has commenced and P.W.'s 1 and 2 were examined on 15.11.2021 and Ex.P1 has been marked. He further submitted that the contention of the petitioners has to be put to the witnesses during trial and not in the quash petition. He further submitted that in the RDO report it is mentioned that reason for the death has to be investigated by the Investigating Officer and file report has to be filed, based on the RDO report, investigation was conducted and the role played by the petitioner have been spoken to by the witnesses.

4. Recording the submission made by the learned Government Advocate (Crl.side) and since the charge sheet was filed and the trial already commenced, this Criminal Original Petition is closed. However, the petitioners can raise the points now raised in this petition at the time of trial. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Principal District and Sessions Court,  
Perambalur.
2. The Inspector of Police  
Kunnam PS, Perambalur Dt.
3. The Public Prosecutor  
High Court, Madras.

+1cc to Mr.Vidhusan, Advocate, S.R.No.63410

Crl.O.P.No.18856 of 2021

BS[co]  
NSK 28/12/2021