

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.22705 OF 2021

AND

CRL.M.P.NO.12358 AND 12360 OF 2021

1. I.Mumtaj
2. S.Sulthan Ali Khan
3. P.Bavani

...Petitioners

Versus

- 1.State represented by Inspector of Police
All Women Police Station, Villupuram.

- 2.Nazreen Banu

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pending on the file of Hon'ble Additional Mahila Court at Magistrate Level, Villupuram and quash C.C.No.30 of 2019 against the petitioners pending on the file of Learned Additional Mahila Court at Magistrate level, Villupuram.

For Petitioner : ***Mr.B.Narayanan**

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

The petitioners/Accused who are facing trial in C.C.No.30 of 2019 for the offences punishable under Sections 498 (A), 149, 506(1), 323 and 34 of I.P.C. and Section 4 of Dowry Prohibition Act, 1961 and Section 4 of the Prohibition of Harassment of Women Act, 2002, has filed this quash petition.

2. The contention of the learned counsel appearing for the petitioners is that on the alleged date of occurrence i.e., from 02.02.2017 to 21.09.2017, the de-facto complainant complainant was not staying with the petitioners, which is clear from legal notice for restitution of conjugal rights sent on 04.05.2017. He further submitted that in the F.I.R., it is recorded that complaint has been received on 21.09.2017 and it has been

registered on 29.11.2017 which is not probable. He further submitted in the proceedings filed in O.S.No.2 of 2017 for divorce by the first accused/husband, the de-facto complainant in her evidence has not stated anything with regard to dowry harassment.

3. The learned Additional Public Prosecutor submitted that it was represented by the accused before the trial court that a compromise has been arrived at between the parties and on that score this case was periodically adjourned and on 28.09.2021, it was reported that no compromise was arrived at between the parties. It is reported that no compromise was arrived at and only for furnishing of copies the case has been adjourned. He further submitted that except these three petitioners all the accused were appearing before the trial Court and only for the appearance of the petitioners the case has been periodically adjourned and the case was posted on 16.12.2012 for furnishing copies and proceedings.

4. Considering the submissions made by the learned counsel appearing on either side, this Court finds that the points raised by the petitioner are factual in nature and the same can be raised during trial and not in this petition filed under Section 482 Cr.P.C.

With the above observations, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to agitate the points now raised in this petition, before the trial Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-II)

***corrected as per letter**
dated 25.04.2022
-s/d-
Sub Assistant Registrar(COII)
dated:29.04.2022
//True Copy//

Sub Assistant Registrar

To

1.The Judge,
Additional Mahila Court
at Magistrate Level
Villupuram.

to be substituted the order
already despatched on **21.01.2022**

2.The Inspector of Police
All Women Police Station,
Villupuram.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.22705 of 2021

KV(CO)
RVM(27/12/2021)
A.SK(29/04/2022)