



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.11540 of 2017
and Crl.M.P.Nos.7572 of 2017 &12507 of 2018

1.P.Jayaprakash

2.P.Kala

3.P.Gomathi

4.P.Dhivya ...Petitioners/Respondents/Accused 1-4

Vs.

A.Nithyapriya ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the order dated 31.05.2017 made in Crl.M.P.No.437 of 2017 in Special Sessions Case No.1 of 2016, on the file of Sessions Judge, Court for Exclusive Trial of Cases Registered under the Scheduled castes and Scheduled Tribes(Prevention of Atrocities) Act 1989, Villupuram.

For Petitioners : Mr.S.Sounthar

For Respondent : Mr.R.Sankarasubbu
for Mr.S.Sathish Kumar

ORDER

This Criminal Original Petition has been filed to set aside the order dated 31.05.2017 made in Crl.M.P.No.437 of 2017 in Special Sessions Case No.1 of 2016, on the file of Sessions Judge, Court for Exclusive Trial of Cases Registered under the Scheduled castes and Scheduled Tribes(Prevention of Atrocities) Act 1989, Villupuram.

2.It is the contention of the learned counsel for the petitioner that the main ground on which the said order is challenged before this Court is that the marriage between the parties has not been established and the marriage itself found to be nullified by the order of the Civil Court, the same has been challenged before the High Court in C.M.A.No.10 of 2020. Therefore, when the absence of marriage is established, question of framing the charges under Section 498(A) of I.P.C does not arise at all.



3. At the outset, I am not able to persuade myself to accept the submission of the learned counsel for the reason that, mere framing of the charges will not prejudice the parties since the petitioners will be given an appropriate opportunity before the Trial Court. The Trial Court shall take into consideration all the civil proceedings with regard to the marriage and it is left open to the petitioners to establish their defence before the Trial Court. Therefore, mere adding one more additional charge based on the order of the Trial Court cannot be faulted. Accordingly, the petitioners are at liberty to raise all their defence before the Trial Court.

4. Accordingly, this Criminal Original petition is dismissed with a direction to the Trial Court to dispose of the main case by taking note of the pendency of the dispute with regard to the marriage and decide the charge. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

msv/nr

To

The Sessions Judge, Court for
Exclusive Trial of Cases Registered
under the Scheduled Castes and
Scheduled Tribes (Prevention of
Atrocities) Act 1989, Villupuram.

+lcc to Mr.S.Sounthar, Advocate SR. No.67284

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GJ (CO)
PR (06/01/2022)