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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 8/12/2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl. O.P. No. 23914 of 2017

a n d

Crl.M.P.Nos.13483 and 13844 of 2017

1. Selvaraj
2. Rajammal
3. Kavitha
4. Kala @ Kalai Selvi
5. Murugesan ...Petitioners

Vs

1. The State of Tamil Nadu
rep. By its Sub-Inspector of Police
All Women Police Station
Perambalur Taluk & District.
2. Prabalakshmi ...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned charge sheet filed in C.C.No.49 of 2017, pending on the file of the Judicial Magistrate, Additional Mahila Court, Perambalur and quash the same as illegal, arbitrary abuse of process and without Jurisdiction.

For petitioner ... Mr.R. Veeramani

For respondents ... Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)
for R.1

No appearance for R.2



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O R D E R

This Criminal Original Petition has been filed to quash C.C.No.49 of 2017, pending on the file of the Judicial Magistrate, Additional Mahila Court, Perambalur.

2. Heard Mr.R.Veeramani, learned counsel appearing for the petitioners and Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side) for the first respondent. There is no representation on behalf of the second respondent.

3. The learned counsel appearing for the petitioners submitted that the defacto complainant lived with her husband for 20 days in the matrimonial house and thereafter, she left to her parental house. Now, she has implicated all the family members without any materials.

4. The learned counsel appearing for the petitioners further submitted that all the allegations have been pressed into service only to wreck vengeance against in-laws and family members due to failure in the matrimonial life. In the FIR, there is no serious allegations made against these petitioners and thereafter, she has improved her versions before the Police. Hence, the entire prosecution has to be quashed.

5. Though the submission of the learned counsel appearing for the petitioners indicate that there are improvements in every stage, this Court is of the view that the validity of the statements cannot be gone into at this stage. It is left to the decision of the trial Court to appreciate the evidence properly, taking note of the various statements from the inception till the final report.

6. In the result, this Criminal Original Petition is dismissed. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners before the Trial Court is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. They shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



mvs

To

1. The Judicial Magistrate,
Additional Mahila Court,
Perambalur.
2. The Sub-Inspector of Police,
All Women Police Station
Perambalur Taluk & District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R. Veeramani, Advocate, S.R.No.64778

Cr1. O.P. No. 23914 of 2017

GSM[co]
NSK 23/12/2021