



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGOVAR

Crl.O.P.(MD).No.5729 of 2021

and Crl.M.P.(MD).Nos.3324 & 3325 of 2021

WEB COPY

A.Mallika

... Petitioner/Accused No.2

Vs.

1.State rep. by

The Inspector of Police,
All Women Police Station,
Kovilpatti,
(Crime No.09 of 2018)

... Respondent/Complainant

2.Poovaneshwari

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.298 of 2019 on the file of the Judicial Magistrate No.1, Kovilpatti and quash the same as against the petitioner.

For Petitioner : Mr.T.S.Mohamed Mohideen
For Respondents : Mr.R.Meenakshi Sundaram for R1
Additional Public Prosecutor
Mr.S.Ponsenthilkumar for R2

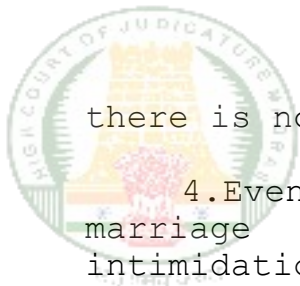
ORDER

(This writ petition is heard through video conference)

This petition has been filed seeking quashment of proceedings in C.C.No.298 of 2019 on the file of the Judicial Magistrate No.1, Kovilpatti.

2.The petitioner is arrayed as second accused in the above said crime number. Primarily it is a dispute between the husband and wife. Based upon which, a case has been registered under Sections 498 A, 387, 506(ii) IPC and Section 4 of TN Prohibition of Harassment of Woman Act, 2002. The main dispute is with regard to the second marriage alleged to have been solemnised between the petitioner and her husband.

3.The learned counsel for the petitioner submitted that no where in the complaint, the involvement of the petitioner in the offence has been stated. Likewise during the course of enquiry also no witnesses have stated anything about the involvement of the petitioner. Section 498A IPC is not attracted against this petitioner. With regard to Sections 294 (b) and 506(ii) IPC also



there is no materials available against the petitioner.

4. Even as per the FIR it has been stated when the second marriage was proceeded by the husband, they made criminal intimidation and abused.

5. But however, the learned counsel for the third respondent submitted that so far 9 witnesses have been examined chief and none of the witnesses have been cross examined so far by the accused with regard to the allegations.

6. Considering the facts and circumstances, I am of the considered view that even though offences, 498 A and 494 IPC may not attract against this petitioner, with regard to Sections 294 (b) and 506(ii) IPC materials are available. Since the trial is almost in half way and most of witnesses have been examined in chief, it may not be proper and appropriate on the part of this Court to entertain this petition and quash the same.

7. In view of the above, there shall be a direction to the trial Court to expedite the trial process and complete the same within a period of five months from the date of receipt of a copy of this order and after the process is over and compliance report may be submitted to the Registry. The petitioner shall participate in the trial proceedings and also co-operate to the trial Court.

8. With this above said directions, this petition stands dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judicial Magistrate No.1,
Kovilpatti,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.PONSENTHIL KUMARAN, Advocate (SR-30778[F] dated
30/09/2021)

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-30906[F] dated
01/10/2021)

CrI.O.P. (MD) .No.5729 of 2021
29.09.2021

SRR(CO)/RS (18.10.2021) 3P 7C