



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P. (MD)No.287 of 2019

and

Crl.M.P. (MD)No.122 of 2019

WEB COPY

1.B.Fathima

2.S.Nashira Banu

... Petitioners/ Accused 3 & 4

vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Dindigul,
Dindigul District.
(Crime No.15 of 2018)

... 1st Respondent/ Complainant

2.Radhira Banu

... 2nd Respondent/
Defacto Complainant

3.Saiyed Abuthakir

(R3 suo motu impleaded as per
order dated 10.11.2021 in
Crl.O.P.(MD)No.287 of 2019) ...3rd Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records in Crime No.15 of 2018 pending investigation on the file of the respondent police and quash the same.

For Petitioners : Mr.V.Santhakumaresan

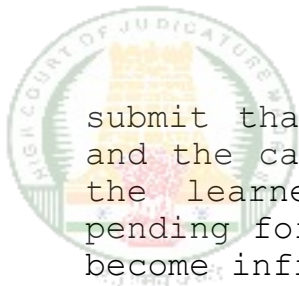
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor for R1
Mr.S.Bharathy Kannan for R2
No appearance for R3

O R D E R

This criminal original petition has been filed seeking orders to call for the records in Crime No.15 of 2018 pending on the file of the respondent police and quash the same.

2.When the matter was taken up for hearing on 10.11.2021, this Court has *suo motu* impleaded the third respondent, who is the husband of the second respondent/defacto complainant.

3.Admittedly, the petitioner has not taken any steps to send notice to the third respondent. Moreover, when the matter is taken up for hearing today, the learned Additional Public Prosecutor would



submit that the first respondent has already filed a final report and the case was taken on file in C.C.No.35 of 2021 on the file of the learned Additional Mahila Court, Dindigul and the same is pending for trial. Considering the above, the prayer sought for, has become infructuous.

WEB COPY

4.However, the learned trial Magistrate is directed to take necessary steps to serve the summons to the accused and dispose of the case as expeditiously as possible.

5.The learned counsel for the petitioners would submit that the appearance of the petitioners may be dispensed with before the trial Court. Considering the above, the petitioners are at liberty to file a petition under Section 205 Cr.P.C. and on such filing the petition, the learned trial Magistrate is directed to consider the same and pass orders in accordance with law.

6.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

csn

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 Inspector of Police,
All Women Police Station,
Dindigul, Dindigul District.

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

+1 CC to M/s.S.BHARATHY KANNAN, Advocate (SR-40130[F] dated 23/12/2021)

Crl.O.P. (MD)No.287 of 2019 and
Crl.M.P. (MD)No.122 of 2019
21.12.2021

_RD(12.01.2022) 2P 4C

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