



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM

THE HONOURABLE **Mrs. JUSTICE R.HEMALATHA**

Crl.O.P.(MD)No.13172 of 2020

and

Crl.M.P.(MD)Nos.6030 and 7010 of 2020

1.Selvaraja
2.Sakunthala

... Petitioners/Accused Nos.2 & 3
Vs

1.The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai District.
(C.C. No.575 of 2020)

... 1st Respondent

2.Sindhukanmani ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.575 of 2020 on the file of the learned Additional Mahila Court, Madurai and quash the same.

For Petitioners : M/s.Chamundi Bose

For R1 : Mr.A.Robinson
Government Advocate (Criminal side)

O R D E R

The present petition has been filed seeking to quash the entire proceedings in C.C.No.575 of 2020 on the file of the learned Additional Mahila Court, Madurai.

2.M/s.Chamundi Bose, learned counsel appearing for the petitioners contended that the petitioners did not commit any offence punishable under Sections 498A, 406, 323 and 506(i) of the Indian Penal Code. It is also his contention that the de-facto complainant lodged a complaint with the first respondent in order to wreck vengeance against the present petitioners.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the first respondent, on instructions, would contend that the Inspector of Police, All Women Police Station, Thallakulam, after conducting proper investigation in Crime No.49 of 2019, laid a final report before the learned Additional Mahila Court, Madurai in C.C.No.575 of 2020 and that



there are grounds to quash the entire proceedings in C.C.No.575 of 2020.

4.A perusal of the final report and the statements of witnesses recorded by the police under Section 161(3) of the Code of Criminal Procedure clearly shows that the petitioners had prima facie committed the offences punishable under Sections 498A, 406, 323 and 506(i) of the Indian Penal Code and the criminal trial is contemplated only on the definite allegations, prima facie, establishing the commission of an offence by the accused which has to be proved by leading unimpeachable and acceptable evidence for the course of trial against the accused and at this stage while dealing with Section 482 of the Code of Criminal Procedure, this Court cannot look into the veracity of the witnesses based on Section 161(3) of the Code of Criminal Procedure recorded by the police and quash the entire proceedings. The petitioners have not also raised any good ground to quash the entire proceedings in C.C.No.575 of 2020. However, taking into consideration, the age of the petitioners, the personal appearance of the petitioners before the trial Court is dispensed with.

5.In the result, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P.(MD) No.7010 of 2020 is ordered and Crl.M.P.(MD)No.6030 of 2020 is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Additional Mahila Court, Madurai.

2.The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai District.



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

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Crl.O.P. (MD) No.13172 of 2020

sgs (CO)
TR(09.04.2021) 3P 4C