



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.12869 of 2021

and

Crl.M.P. (MD)Nos.6618 and 6619 of 2021

M.Maheswari

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
AWPS - Samayanallur Police,
Madurai District.
(In Crime No.20 of 2019)

2.K.Nisha

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.5 of 2021 on the file of the Judicial Magistrate, Vadipatti and quash the same in respect of the petitioner as illegal.

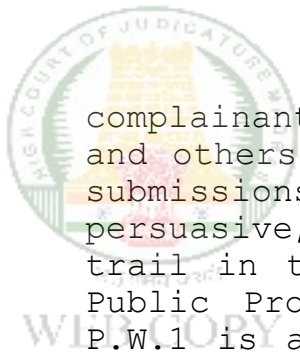
For Petitioner : Mr.A.Aathiyan
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1

No appearance for R2.

O R D E R

This criminal original petition has been filed by the fourth accused to quash the proceedings in C.C.No.5 of 2021 on the file of Judicial Magistrate, Vadipatti.

2.The learned counsel for the petitioner states that the petitioner is a destitute widow having two children. She has been selected for the post of police constable. But on account of the pendency of the impugned proceedings, she is unable to join service. The learned counsel for the petitioner also states that the petitioner is having a number of grounds to have the prosecution quashed. In particular, he would stress the fact that defacto



complainant had already lodged a complaint against the petitioner and others and that the same was later withdrawn. Even though the submissions made by the learned counsel for the petitioner are quite persuasive, I am unable to accept them for the sole reason that the trial in this case has already commenced. The learned Additional Public Prosecutor would point out that the chief examination of P.W.1 is also over. Therefore, the petitioner has to necessarily secure an acquittal on merits after conclusion of the trial. It is not possible to grant the relief of quashing at this stage. Leaving open the petitioner's contentions and defences, this criminal original petition is dismissed. However, taking note of the special facts and circumstances pleaded by the petitioner's counsel, the trial Court is directed to expedite the proceedings and conclude the case on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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,
Vadipatti.
Madurai District.
- 2.The Inspector of Police,
AWPS - Samayanallur Police,
Madurai District.
- 3.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A. ATHIYAN, Advocate (SR-34839[F] dated 17/11/2021)

Crl.O.P(MD)No.12869 of 2021

15.11.2021

RD(03.12.2021) 2P 5C

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