



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.20331 of 2021 and

CRL.M.P. (MD)Nos.11541 & 11542 of 2021

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1. Hajaral Begum
2. Hyder Ali
3. Anees Fathima
4. Kathijatthul Aiysha
5. Kansul Fathima

... Petitioners / Respondents

Vs.

1. The Inspector of Police,
Ilayangudi police station,
Sivagangai District. ... Respondent No.1 / Complainant

2. Ibrahim Ali ... Respondent No.2 /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned summon under Sections 91 and 160 of Cr.P.C. dated 13.12.2021 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.T.Seeni Syed Amma,
for Mr.T.Lajapathi Roy.
For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

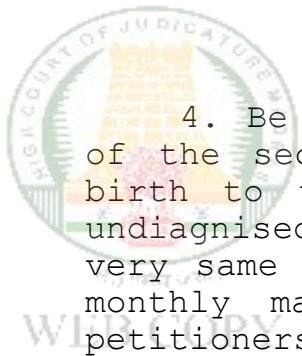
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O R D E R

Heard the learned counsel on either side.

2. The petitioners herein have received the impugned summon from the first respondent. The second respondent filed a petition before the Judicial Magistrate, Ilayangudi and the jurisdictional Magistrate has issued direction under Section 156(3) of Cr.P.C. Pursuant to the same, the impugned summon has been sent.

3. The learned counsel appearing for the petitioners would point out that the first petitioner is the defacto complainant in Crime No.13 of 2020 registered on the file of All Women police station, Sivagangai, against the second respondent and others for the offences under Sections 498(A), 294(b), 506(i) 494, 496, 420, 109 and 143 of I.P.C. and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act 2019. Her allegation is that the present complaint has been given as a counter blast.



4. Be that as it may, the defacto complainant who is the wife of the second respondent is presently at Chennai. She had given birth to two daughters. One of them had passed away due to an undiagnised medical condition and the other child is also facing the very same issue. The defacto complainant has not so far given any monthly maintenance to the first petitioner. According to the petitioners' counsel, it would be impossible for the first petitioner to come down from Chennai to Sivagangai District for the purpose of enquiry, more so because of the medical condition of the surviving daughter. The third petitioner and the fifth petitioner are the sisters of the first petitioner. The fourth petitioner is the daughter-in-law of the second petitioner and the sister-in-law of the first petitioner. Out of the five petitioners, four petitioners are women folk. Since only preliminary enquiry has been directed to be held, the first respondent will enquire the petitioners through video conferencing. The petitioners' counsel Ms.T.Seeni Syed Amma, learned counsel undertakes to coordinate in the matter so that the petitioners herein could be enquired by the first respondent through video conferencing.

5. I do find any ground to interfere with the impugned summon. But the petitioners need not come down to Ilayangudi for the purpose of enquiry. The petitioners can be enquired through video conferencing.

6. This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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,
Ilayangudi police station,
Sivagangai District.



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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-39684[F]
dated 21/12/2021)

Crl.O.P.(MD)No.20331 of 2021
20.12.2021

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