



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.1272 OF 2019

AND

CRL.M.P.NO.835 OF 2019

1.Mohamed Arif
2.Mymoon Beevee

... Petitioners

Vs.

State Rep.by
The Inspector of Police
All Women Police Station
Panruti
Cuddalore District
Crime No.2 of 2017.

... Respondent

PRAYER:

Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records of the charge sheet in C.C.No.70 of 2017 on the file of the learned Additional Mahila Court, Cuddalore and quash the same.

For Petitioner : Mr.M.Gnanamoorthy
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This petition had been filed to call for the records of the charge sheet in C.C.No.70 of 2017 on the file of the learned Additional Mahila Court, Cuddalore and quash the same.

2. The learned Counsel for the Petitioners submitted that the Petitioners are the parents of the Defacto complainant. The learned Counsel for the Petitioners invited the attention of this Court to the averments in the First Information Report, which is enclosed in the typed set of papers and submitted that except two averments, there is no mentioning of specific overt acts as against the Petitioners herein. Therefore, on the basis



of the complaint and FIR, no offence is attracted against the Petitioners herein. Hence, the learned Counsel for the Petitioners seeks to quash the charge sheet.

3. The learned Government Advocate (Criminal Side) vehemently objected to the submissions of the learned Counsel for the Petitioners and submitted that admittedly, there are averments regarding the overt acts of the Petitioners. Further, in the course of the investigation, the Investigating Officer had collected materials and based on the same, the final report of the investigation is laid before the Court of the learned Additional Judge, Fast Track Mahila Court, Cuddalore, which was taken cognizance, by the learned Judicial Magistrate in C.C.No.70 of 2017. Therefore, the learned Government Advocate (Crl.Side) vehemently objects to quash the charge sheet.

4. He further submitted that if at all, the contentions of the learned Counsel for the Petitioners are to be considered, it can only be done during the trial before the Trial Court. Therefore, he seeks to dismiss this petition as not maintainable as per Section 482 of Cr.P.C.

5. The learned Government Advocate (Crl.Side) relied on the ruling of the Hon'ble Supreme Court in the judgment of Taramani Parakh Vs. State of Madhya Pradesh and others reported in (2015) 11 SCC 260, and submitted that quashing of proceedings before the trial is not permissible.

6. The above objection of the learned Government Advocate (Crl.Side) is acceptable. Hence, this Criminal Original Petition is dismissed as having no merits, as per Section 482 of Cr.P.C. Consequently, connected Miscellaneous Petition is closed. However, considering the age of the Petitioners herein and considering the fact that the identity of the Petitioners are not in dispute, the learned Judicial Magistrate is directed to pass appropriate orders, if any petition is filed seeking exemption from personal appearance.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna



To

1. The Additional Mahila Court, Cuddalore.

2. The Inspector of Police
All Women Police Station
Panruti
Cuddalore District
Crime No.2 of 2017.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.N.Suresh, Advocate, S.R.No.25728

Cr1.O.P.No.1272 of 2019
and
Cr1.M.P.No.835 of 2019

JPL (CO)
PM/27/05/2022