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Crl.O.P.No.4693 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.4693 of 2020
and
Crl.M.P.Nos.2685 & 2687 of 2020

1.K.Kunju
2.K.Vijayalakshmi
3.Bindhu
4.R.Giri
5.Akilan

... Petitioners

Vs

1.The Inspector of Police,
W-2, All Women Police Station,
Madipakkam, Chennai.
Crime No.4 of 2009)

2.G.Deepalakshmi ... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceedings in C.C.No.115 of 2019, on the file of the learned Additional Mahila (Judicial Magistrate), Alandur.

For Petitioners : Mr.T.K.S.Gandhi

For Respondent 1 : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

This petition has been filed to quash the proceedings in C.C.No.115 of 2019 on the file of the learned Additional Mahila (Judicial Magistrate), Court, Alandur, thereby taken cognizance for the offences under Sections 498(A), 406, 506(i) IPC and Section 4 of Tamil Nadu Dowry Prohibition Act, 1962, in Crime No.4 of 2009, as against this petitioners.

2. The learned Counsel appearing for the petitioner submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Without any basis, the first respondent police registered a case in Crime No.4 of 2009 for the offences under Sections 498(A), 406, 506(i) IPC and Section 4 of Tamil Nadu Dowry Prohibition Act, 1962, as against the petitioners and the same has been taken cognizance of in C.C.No.115 of 2019 on the file of the learned Additional Mahila (Judicial Magistrate), Court, Alandur. Hence he prayed to quash the same.



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3. The learned Additional Public Prosecutor submitted that the trial has already commenced and prosecution witnesses have also been examined in this case and he further submitted that the petitioners filed a petition under Section 311 Cr.P.C, which was allowed even then, the second respondent/PW1 failed to appear before the trial Court for cross examination.

4. Considering the facts and circumstances of this case, this Court is not inclined to quash the proceedings in C.C.No.115 of 2019, on the file of the Additional Mahila (Judicial Magistrate), Court, Alandur. However, the trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this order. Till then the personal appearance of the petitioners is dispensed with before the trial Court.

5. Accordingly, this criminal original petition is dismissed with aforesaid direction. Consequently, connected miscellaneous petitions are closed.

04.07.2022

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G.K.ILANTHIRAIYAN. J,
ata

To

- 1.The Inspector of Police,
W-2, All Women Police Station,
Madipakkam, Chennai.
- 2.The Additional Public Prosecutor,
Madras High Court,

Crl.O.P.No.4693 of 2020

04.07.2022