

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)Nos.14804 of 2017 & 11734 of 2018

and

CRL.M.P.(MD)Nos.5317 & 5318 of 2018

in

CRL.O.P.(MD)No.11734 of 2018

1.K.Rathinasamy

2.R.Mariammal

3.R.Vijayakumar

4.R.Chandramohan

... Petitioners / Accused Nos.2 to 5

in Crl.O.P.(MD)No.14804 of 2017

R.Somasundaram

... Petitioner / Accused No.1

in Crl.O.P.(MD)No.11734 of 2018

-Vs-

1.State through Inspector of Police,

All Women Police Station,

Madurai City, Madurai-625 001.

(Crime No.13 of 2016)

2.S.Nalini

... Respondents in both Crl.O.Ps.

PRAYER in Crl.O.P.(MD)No.14804 of 2017: Criminal Original Petition filed under Section 482 of Cr.P.C., to quash the final report in C.C.No.2 of 2017 on the file of the Additional Mahila Court (JM Level), Madurai.

PRAYER in Crl.O.P.(MD)No.11734 of 2018: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.2 of 2017 on the file of the Additional Mahila Court (JM Level), Madurai and to quash the same as against this petitioner.

For Petitioners	: Mr.S.Chandrasekaran
For R1	: Mr.A.Thiruvadi Kumar, Additional Public Prosecutor
For R2	: Mr.R.R.Thamothar Raj (in both Crl.O.Ps.)

COMMON ORDER

Subject matter of challenge in both these petitions pertains to the final report in C.C.No.2 of 2017, pending on the file of the Additional Mahila Court (JM Level), Madurai.

2.The petitioner in Crl.O.P.(MD)No.11734 of 2018 is the husband and the petitioners in Crl.O.P.(MD)No.14804 of 2017 are

in-laws. The 2nd respondent gave a complaint against all the accused persons, which ultimately ended in a final report for alleged offences under Sections 498A, 406, 294(b), 354A(1)(iv) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

3.Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the 1st respondent and the learned counsel for the 2nd respondent.

4.When the matter was taken up for hearing, it was brought to the notice of this Court that the trial has already commenced and it is now at the stage of examination of P.W.1 and it has been completed in part. The learned counsel for the petitioners submitted that the 2nd respondent as P.W.1 was examined on 09.11.2021 and chief examination was done in part and thereafter, there has been absolutely no progress.

5.In the considered view of this Court, since the trial has already commenced, this Court is not inclined to go into the merits of the

case. In view of the same, both the Criminal Original Petitions are disposed of with the following directions:-

(a) The presence of the petitioners 1, 2 and 4 in Crl.O.P.(MD)No.14804 of 2017, who are arrayed as A2, A3 and A5 is dispensed with. The 3rd petitioner, namely, A4 has died during the pendency of the proceedings and the proceedings have abated insofar as the 3rd petitioner is concerned. The petitioners 1, 2 and 4 shall be represented through counsel before the Court below and it is made clear that they will not dispute the identity of the witnesses;

(b) The learned counsel representing the petitioners 1, 2 and 4 / A2, A3 and A5 shall cross-examine the witnesses on the same day they are examined in chief or at least the next hearing date, without any delay;

(c) The petitioners 1, 2 and 4 / A2, A3 and A5 shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the final judgment; and

(d) The Court below is directed to dispose of C.C.No.2 of 2017, pending on the file of the Additional Mahila Court (JM Level), Madurai within a period of four (4) months from the date of receipt of a copy of this order.

Consequently, connected miscellaneous petitions are closed.

14.09.2022

Index: Yes/No

Internet: Yes/No

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To

1.The Additional Mahila Court Judge (JM Level),

Madurai.

2.The Inspector of Police,

All Women Police Station,

Madurai City, Madurai-625 001.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.

CrI.O.P.(MD)Nos.14804 of 2017 & 11734 of 2018

N.ANAND VENKATESH, J.

Myr

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