



Crl.O.P.No.5432 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.5432 of 2022

and

Crl.M.P.No.2965 of 2022

1. Kasthuri

2. Nivas @ Nivas Kumar

... Petitioners

Vs.

1. The Inspector of Police,
AWPS- Ulundurpet Police Station,
Kallakurichi District.
Crime No.02 of 2017.

2. Victoria

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records relating to the private complaint in C.C.No.75 of 2017 on the file of the learned Judicial Magistrate No.I, Ulundurpet.

For Petitioner : M/s. M.Dinesh
for Mr.S.Subburaj

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

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Petition to quash the criminal case pending before the Judicial Magistrate No.I, Ulundurpet in C.C.No.75 of 2017. Petitioners are A2 and A3, who are aunt and son of the first accused. Since the case against these two accused was stayed in the quash petition pending before the Court, which is under consideration now, the case against first accused ie., husband of the defacto complainant was split up and assigned C.C.No.110 of 2018 and the trial proceeded.

2. In the said split up case, the trial Court after examining the defacto complainant as PW1 (Victoria) and other prosecution witnesses, had acquitted A1.

3. Hence, in this petition, contending that, petitioners are distant relative of the first accused. While, First accused had already been acquitted by the trial Court, case against the petitioners also to be quashed.

4. The learned counsel for the petitioner submitted that, subsequent to the filing of the case, trial against A1 ended in acquittal. Hence, nothing



survives against the petitioners.

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5. The learned Government Advocate (Crl. Side) appearing for the State/ respondent submitted that, apart from dowry harassment, there are two other charges against the petitioners therefore they are liable to face the prosecution. . In the absence of A1, these offences were committed by these two petitioners. The acquittal of A1 and the reason given by the trial Court for the acquittal will not apply to this petitioner.

6. This Court on perusing the acquittal judgement of A1 and the reason given by the trial Judge for acquitting A1 find it may not squarely be applicable to these petitioners. Therefore, petition to quash on the ground that they are distant relatives and therefore no offence made out against them does not carry merits. Petitioners are liable to face the trial for the charges framed.

7. Accordingly, this Criminal Original Petition is dismissed. The learned Trial Judge is directed to take up the C.C.No.75 of 2017 on priority basis and complete the trial within a period of four months. Consequently, connected miscellaneous petition is closed.

22.11.2023



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Sma

Dr.G.JAYACHANDRAN,J.

Sma

To:

1. The Inspector of Police,
AWPS- Ulundurpet Police Station,
Kallakurichi District.
2. The Public Prosecutor,
Madras High Court.

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22.11.2023