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Crl.O.P.No.25770 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25770 of 2021 &
Crl.M.P.Nos.14305 and 14308 of 2021

1. M. Parameshwari
2. M. Suganya

... Petitioners

Vs.

1. The State, represented by
the Inspector of Police,
AWPS-East, Coimbatore City,
Crime No.15 of 2019
2. Y. Monisha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the complaint in C.C.No.1367 of 2020 on the file of the learned Mahila Court at Magistrate Level, Coimbatore and quash the same by allowing this criminal original petition.

For Petitioner : Mr. N. Manoharan

For Respondent : Mr.V.J. Priyadarsana, GA (crl.side)
for R1
Mr.M.Santhanaraman for R2



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ORDER

WEB COPY This Criminal Original Petition is filed to call for the records relating to the complaint in C.C.No.1367 of 2020 on the file of the learned Mahila Court at Magistrate Level, Coimbatore and quash the same .

2. The learned counsel for the petitioners submitted that the petitioners are arrayed as A2 and A3 in a case registered in Cr.No.15 of 2019 based on the complainant lodged by 2nd respondent for the alleged offence punishable under sections 498-A, 120-B and 323 IPC. On filing of final report, after investigation, the case was taken cognizance for the offence under sections 498-A, 120-B and 323 IPC in C.C.No.1367 of 2020.

3. He further submitted that the entire case of prosecution is false and a sheer abuse of process of law. The 1st petitioner is the mother in law and the 2nd petitioner is the sister in law of the 2nd respondent. The 1st accused is the husband of the 2nd respondent. The 2nd respondent never lived with her husband/A1 in the matrimonial home and she was living with her parents in Coimbatore on account of her employment. The petitioners are nothing do with the alleged offence and they have been purposely arraigned as the



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accused in order to harass and make them suffer. There was no occasion of cruelty at her matrimonial home as alleged by the prosecution. There is no specific allegation showing harassment done by the petitioners to attract offence under section 498-A IPC. Thus he prayed for quashing of criminal proceedings in C.C.No.1367 of 2020 pending against the petitioners and for allowing of this criminal original petition.

4. When the matter was taken up for hearing, the learned Govt. Advocate (crl.side) submitted that the petitioners/ A2 and A3 are facing trial in C.C.No.1367 of 2020 on the file of learned Mahila Court, Magisterial Level, Coimbatore. He further submitted that in this case LW1 was examined as PW1 and she was also examined by the accused and in the circumstances, the trial has to be completed, therefore, it is not proper to quash the criminal proceedings against the petitioners at this stage.

5. Heard both sides and considered the materials available on record.

6. On perusal of records, it is noticed that the petitioners are A2 and



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A3 in C.C.No.1367 of 2020 on the file of Mahila Court, Magisterial Level, Coimbatore. It is also noticed that the complainant/2nd respondent, who is the wife of A1 has been examined as PW1 and she has also been cross examined by the accused persons. In such circumstances, whether the petitioners have committed cruelty on the petitioners has to be adjudicated by the trial court based upon the evidence let in by the 2nd respondent/complainant before the trial court after full fledged trial. In view of the above, this court is of the opinion that it is not proper to quash the criminal proceedings against the petitioners at this stage. Therefore, I find no merits in this Criminal Original Petition. The Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

7. At this juncture, the learned counsel for the petitioners seeks to dispense with the personal appearance of the petitioners before the trial court.

8. Considering the submissions of the learned counsel for the petitioners, the personal appearance of the petitioners before the trial court is hereby dispensed with on condition that they should appear before the



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trial court for further proceedings whenever required by the trial court.

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18.08.2023

msr

Index:Yes/No

Internet:Yes/No

Speaking order/non speaking order

To

1. The Mahila Court at Magistrate Level, Coimbatore
2. The Inspector of Police, AWPS-East, Coimbatore City.
3. The Public Prosecutor, Madras High Court.



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V. SIVAGNANAM, J.

msr

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