



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.27320 of 2019

And

Crl.M.P.Nos. 14519 & 14520 of 2019

1. Anbukumar
2. Karuppannan
3. Mangaiyarkarasi
4. Rajendran
5. Sugavanasivapragasam
6. Kali Gounder ... Petitioners/Accused 1 to 6

Vs

1. Arumugam (Deceased) ... Defacto Complainant
2. State rep. by
Inspector of Police
Omalur Police Station
Salem District
Crime No. 54/2004 ... 1st Respondent/Complainant
3. Pappal ... 2nd Respondent/Aggrieved Party
(wife of defacto complainant)



Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in P.R.C.No. 2 of 2008 on the file of Judicial Magistrate, Omalur and quash the same.

For Petitioners : Mr. S.N.Arunkumar

For 2nd Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

For 3rd Respondent: Mr.R.Nalliyappan

ORDER

The petitioner seeks to quash the impugned final report for offences under Sections 120 (b), 307, 406, 420 and 506(ii) of IPC.

2. It is alleged in the final report that an engagement took place between the first petitioner and the second respondent's daughter on 25.10.2004 and the marriage was decided to be performed on 18.11.2004. The marriage was cancelled on 14.11.2004 when a quarrel took place. The first petitioner is said to have strangled the second respondent's daughter's neck. It is further alleged that the articles given at the time of betrothal is still in the custody of the petitioners.



3. The learned Government Advocate (Crl. Side) would submit that the father of the bride is no more and his daughter, who is the victim was impleaded as second respondent has married another person.

4. The learned counsel for the third respondent would submit that she has no instructions.

5. The learned counsel for the petitioner would submit that the entire allegations is false and a dispute between two family members is sought to be projected as a criminal complaint.

6. This Court finds that the points raised by the petitioners are factual in nature. As to whether the occurrence took place as alleged by the defacto complainant is a matter to adjudicated before the trial Court. Hence, this Court is not inclined to entertain the quash petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.



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SUNDER MOHAN. J.

vsg

7. The learned Judicial Magistrate, Omalur may examine whether a sessions case is made out on the materials submitted by the prosecution, and if so, shall commit it as expeditiously as possible and in any event within a period of one month from the date of receipt of a copy of this order. On such committal, the Sessions Court shall complete the trial within a period of six months from the date of receipt of the case records.

20.03.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. Judicial Magistrate, Omalur.
2. Inspector of Police
Omalur Police Station
Salem District
3. The Public Prosecutor,
High Court, Madras.

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