



Crl.O.P.(MD)No.2492 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.2492 of 2023

and

Crl.MP(MD) Nos. 2226 and 2228 of 2023

1. S. Anantharaj
2. S. Subramaniyan

... Petitioners

Vs.

State rep. by the
Sub-Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.
In Crime No. 1066/2020

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to consider the above facts and circumstances of the case and for the records pending on the file of the learned Judicial Magistrate – I, Kovilpatti, Thoothukudi District in CC No. 506/2021 may be pleased to call for and quash the charge sheet of Kovilpatti East Police Station bearing no. 869/2021.

For Petitioners	: Mr.S. Soundarapandian
For Respondents	: Mr.B.Nambiselvan Additional Public Prosecutor



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ORDER

This petition is filed to quash the charge sheet in CC No. 506/2021 pending on the file of the learned Judicial Magistrate–I, Kovilpatti, Thoothukudi District.

2. The first petitioner married the defacto complainant's daughter, namely, S.Chitra in the year 2016 and one male child, namely, Avinesh born on 05.08.2017. On 06.10.2019, due to illness, the first petitioner's wife died and his son is now under the custody of the defacto complainant. He further submitted that the first petitioner demanded the custody of the child for the purpose of providing good education to him, over which continuous trouble arose between the parties.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that before the trial Court, P.W.1 to P.W.3 were examined in chief and no cross examination is made by the petitioner.

4. The learned counsel for the petitioners submitted that for the purpose of examining the other witnesses the first petitioner requested the copy of the petition/complaint filed by the defacto complainant under Section 156(3)

Cr.P.C and that was not furnished to the first petitioner, because of that only,



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he could not cross examine the further witnesses and complete the trial process.

5. The issue is between the son-in-law and the father-in-law with regard to the custody of the child.

6. Considering the facts and circumstances of this case, this Court feels that such quashment may not be proper and this Court cannot decide, whether the petitioners got merit or not. No positive direction can be issued. At the time of hearing the case, the learned Judicial Magistrate-I, Kovilpatti shall take into consideration the factual issue and may refer the matter for mediation. Considering the age of the second petitioner, the personal appearance of him before the trial Court is dispensed with. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

09.03.2023

Index : Yes/No
Internet:Yes/No
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1. Sub-Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.
2. Additional Public Prosecutor
Madurai Bench of Madras High Court



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G.ILANGO VAN, J.,

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