



Crl.O.P.No.6209 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.6209 of 2022
and
Crl.M.P.Nos.3504 & 3505 of 2022

1.A.Ananthi
2.Jawahar
3.Tamilselvan

... Petitioners

Vs.

The State Rep by its,
Dr.N.Rajendran
Joint Director of Health Service,
Tiruvannamalai.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.122 of 2016 on the file of the Judicial Magistrate No.1, Tiruvannamalai and quash the entire proceedings.

For Petitioners : Mr.N.Palani Kumar
for M/s.S.Santha Kumari

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



CrI.O.P.No.6209 of 2022

ORDER

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This petition has been filed to quash the proceedings in C.C.No.122 of 2016 on the file of the Judicial Magistrate No.1, Tiruvannamalai as against the petitioners, having been taken cognizance for the offence under Sections 6(a) and 6(b) Punishable under Sections 23(1), 25 of the preconception and prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994 and under Section 2(b) and 3, 4 and 5(3) and 5(4) of Medical Termination of Pregnancy Act 1971.

2. The case of the prosecution is that P.W.1 who is the District Appropriate Authority for Tiruvannamalai District under the PCPNDT Act 57 of 1994 and the Joint Director of Health Services, Tiruvannamalai District as nominated under 17(2)(b) a23(b) of the said Act and as per G.O.MS.308 dated 24.12.2013 Health and Family Department, Chennai, has filed the complaint as public servant that 1st petitioner along with other petitioners was doing illegal sex determination of foetus of village women in a room situated in 2nd floor of her house near Somaraikulam at Thiruvannamalai for pregnant womens from Thiruvannamalai and sub-urban areas oral order was given over phone by the M.D.National Health



Crl.O.P.No.6209 of 2022

Mission, Chennai-600 006. Hence, the complaint.

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3. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the trial has begun and out of 23 witnesses 21 witnesses were examined, therefore he raised objection to quash the proceedings.

4. The learned counsel for the petitioners submitted that during the pendency of the OP proceedings all the witnesses are not cross-examine by the petitioners / accused persons. Hence, he prays to quash the proceedings.

5. On seeing the fact that the trial is almost yet to be completed and the defence taken by the petitioners can be put forth before the trial Court. Liberty is granted to the petitioners to cross-examine all the prosecution witnesses by filing appropriate applications within a period of two weeks from the date of receipt of a copy of this order.

T.V.THAMILSELVI, J.



Crl.O.P.No.6209 of 2022

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6. In view of the above, this Criminal Original Petition is disposed of.

Consequently, connected Miscellaneous petitions are closed.

19.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The State Rep by its,
Dr.N.Rajendran
Joint Director of Health Service,
Tiruvannamalai.

2.The Public Prosecutor,
High Court of Madras.

3.The Judicial Magistrate No.1
Thiruvannamalai.

Crl.O.P.No.6209 of 2022

and

Crl.M.P.Nos.3504 & 3505 of 2022