



Crl.O.P.No.11882 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.11882 of 2022

and

Crl.M.P.Nos.6707 & 6709 of 2022

R.Dinesh

... Petitioner

Versus

1. State rep. by its
The Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai Dt.
(Crime No.38 of 2019)

2. Vishali

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records, pending trial in C.C.No.111 of 2021 on the file of the Judicial Magistrate No.I, Tambaram and quash the same.



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For Petitioner : Ms.M.V.Seshamma
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1
Mr.K.Thenrajan for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 111 of 2021 on the file of Judicial Magistrate Court No.I, Tambaram.

2. Heard both sides.

3. The petitioner is ranked as A1 in the F.I.R. in Crime No.38 of 2019 registered for the offence under Sec.498(A), 406 and 506(1) of I.P.C. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.111 of 2021 on the file of Judicial Magistrate No.I, Tambaram and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet.



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4. Today, when the matter taken up for hearing, the learned counsel for respondent would submit that petitioner is husband of 2nd respondent/defacto complainant, left her and now settled at abroad. At the time of marriage, the 2nd respondent's family gave 50 sovereigns of gold, few silver articles, house hold articles and also gave a sum of Rs.5,00,000/-, which were now under the custody of petitioner's in-laws. Within a short period of their marriage, she was forced to leave the matrimonial home.

5. Admittedly, the petitioner is at abroad and he is not cooperating with the proceedings in C.C.No.111 of 2021, which is pending from the year of 2021 and for more than three years, the 2nd respondent/defacto complainant approaching this court, but the proceedings have not been initiated, since because of non-cooperation of petitioner. Therefore, on seeing the conduct of petitioner, this court is not inclined to quash the proceedings initiated against him. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is directed to come down to



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India within a period of three months and cooperate with the proceedings before the trial court, failing which, liberty is granted to the 2nd respondent/defacto complainant to cancel the passport as per manner known to law. Consequently, connected Criminal Miscellaneous Petitions are closed.

23.02.2024

Index: Yes/No
Internet: Yes/No
rpp

To

1. The Inspector of Police,
W-35, All Women Police Station,
Tambaram, Chennai Dt.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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