



CrI.O.P.(MD)No.791 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.791 of 2022
and
CrI.M.P.(MD).Nos.571 and 572 of 2022

1. Michel Dominic Raja
2. Elizabeth Innasi Rani
3. Sakayaraj

... Petitioners

Vs.

1. State represented by
the Inspector of Police,
KV Nallur Police Station,
Tirunelveli District.
(Now Tenkasi District),
Crime No.250 of 2019.

2. Kavimani

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.617 of 2020 on the file of the learned Judicial Magistrate, Sankarankovil and quash the charge sheet, the consequential further proceedings as against the petitioners.

For petitioners

: Mr.C.Karthik

For R-1

: Mr.SS.Madhavan,
Government Advocate
(Criminal Side)

For R-2

: No Appearance



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.617 of 2020 on the file of the learned Judicial Magistrate, Sankarankovil.

2. The case of the prosecution is that due to matrimonial dispute, the petitioners attacked the *defacto* complainant / wife of the first petitioner herein. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the *defacto* complainant is the wife of the first petitioner herein. He would further submit that due to some dispute, the *defacto* complainant left the matrimonial home and thereafter, the first petitioner requested her to live with him. But the *defacto* complainant refused to live with him, due to which, a wordy quarrel arose between them and the *defacto* complainant made a complaint before the respondent Police, as if, the petitioners have attacked the *defacto* complainant and caused injuries to her. Thereafter, the respondent Police registered a case against the petitioners in Crime No.250 of 2019 and the respondent Police conducted the investigation and filed the charge sheet and the same was



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taken on file in C.C.No.617 of 2020 for the offences punishable under Sections 294(b), 323, 506(2) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, on the file of the Judicial Magistrate Court, Sankarankovil. The learned counsel appearing for the petitioners would further submit that during the pendency of this petition, the *defacto* complainant has filed a petition seeking for divorce and got *exparte* decree and subsequently, she performed another marriage. However, the learned counsel appearing for the petitioners would submit that this Court may issue a direction to the trial Court to conclude the trial within a period of three months.

4. Heard the learned Government Advocate (Criminal Side) appearing for the first respondent Police.

5. Since the case is pending from the year 2020, the trial Court is directed to complete the trial in C.C.No.617 of 2020 within a period of three (3) months from the date of receipt of a copy of this order and if the *defacto* complainant fails to appear before the trial Court within the above said period, the trial Court may pass appropriate orders in terms of Section 256 of Cr.P.C.



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6. At this juncture, the learned counsel appearing for the petitioners submitted that this Court may consider dispensing with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

7. With the above observations, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

19.01.2024

Index : Yes/No
Internet : Yes/No
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To

1. The Judicial Magistrate, Sankarankovil.
2. The Inspector of Police,
KV Nallur Police Station,
Tirunelveli District.
(Now Tenkasi District).
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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