



Crl.O.P.(MD)No.1656 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.1656 of 2022

and

Crl.M.P(MD) Nos.1197 and 1198 of 2022

Priya

... Petitioner/4th Accused

Vs.

1.The Inspector of Police,
Thallakulam All Women Police Station,
Madurai District.
Crime No.3 of 2020.

...1st Respondent/Complainant

2.Sweetie Deepa

...2nd Respondent/Defacto
Complainant

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to Calendar Case in C.C.No.468 of 2021 on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Madurai, in Crime No.3 of 2020 on the file of the 1st respondent Police punishable under Sections 498(A), 506(i), 403 and 109 of IPC and quash the same.



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For Petitioner : Mr.Arokiya Selva Ramesh.S
For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)
For R2 : Mr.M.Karuppasamy

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.468 of 2021 on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Madurai.

2.The case of the petitioner is that the petitioner is the sister-in-law of the defacto complainant. The marriage between the first accused and the complainant was solemnized on 31.08.2017 after providing sufficient seervarisai, jewels, etc. From the date of marriage, the first accused refused to have sexual intercourse with the complainant, thereby, misunderstanding arose in between them and the petitioner and other accused persons harassed the second respondent in her matrimonial home. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in



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Crime No.3 of 2020 against the petitioner and other accused persons and the respondent Police conducted an investigation. On completion of investigation, the charge sheet has been filed before the Additional Mahila Court (Judicial Magistrate Level), Madurai and the same was taken cognizance in C.C.No.468 of 2021 for the offences punishable under sections 498(A), 506(i), 403, 109 of IPC.

3. The learned counsel for the petitioner would submit that there are no materials whatsoever available with the respondent to show that the petitioners have harassed the complainant. He would submit that the petitioners have nothing to do with the alleged offence and hence, prays to allow this petition.

4.The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner has to be gone into only at the time of trial and hence, he prayed for dismissal



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of the petition.

5.In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth her defence. The petitioner cannot be let by quashing the charges framed against her as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against her. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426).***

6.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.468 of 2021, pending on the file of the Additional Mahila Court (Judicial Magistrate Level), Madurai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.



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7.At this juncture, the learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal appearance of the petitioner before the court below. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for her 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 petitioner is necessary, the trial court, at its wisdom, shall direct her appearance on those days.

21.02.2024

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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M.DHANDAPANI,J.

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To:

- 1.The Inspector of Police,
Thallakulam All Women Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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