



CRL OP(MD). No.1056 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 13.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

CRL OP(MD) No.1056 of 2022

1. Mottaian Alias Irulandi
2. Mookaiah
3. Genkaye
4. Palani
5. Velumurugan
6. Packiyam

... Petitioners

Vs

1. State Represented by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No. 13 of 2018).

2. Murugavel

... Respondents

PRAYER :- Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.130 of 2020 on the file of Learned Judicial Magistrate, Aruppukottai and quash the same.

For Petitioners : M/s. S. Parthasarathy
For Respondents : M/s. S. Manikandan for R1
Additional Public Prosecutor
No appearance for R2



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ORDER

This petition has been filed to quash the proceedings in C.C.No. 130 of 2020 on the file of Learned Judicial Magistrate, Aruppukottai.

2.It is the case of the prosecution that the first petitioner and the de-facto complainant/2nd respondent got married in the year 2013 and they have one female child out of the wedlock. The petitioners 2 to 6 are the in-laws of the de-facto complainant. Since there was additional demand of dowry by the 1st petitioner and others, the de-facto complainant said to have preferred a complaint, which came to be registered in Crime No.13/2018 and on completion of investigation, final report has been filed and the same is taken on file in C.C.No.130/2018, for quashing which, the petitioners are before this court.

3.The learned counsel for the petitioners would submit that the first petitioner had filed a divorce petition before the family Court and an exparte decree was granted in favour of the 1st petitioner, while so, the de-facto complainant filed the present criminal complaint. He would



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further submit that pursuant to the decree granted, the first petitioner performed second marriage and hence, prays for interference.

4. In view of the submission made by the learned counsel for the petitioners, the trial court is directed to conclude the trial in C.C.No.130 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 during the said period, the trial Court may pass appropriate orders in terms of Section 256 of Cr.P.C.

5. 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



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of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

6. In the result, this criminal original petition is dismissed.

Consequently connected Miscellaneous Petitions are closed.

13.02.2024

NCC : Yes/No
Index : Yes/No
RR

TO

1. The Judicial Magistrate
Aruppukottai.

2. The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.



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M.DHANDAPANI. J

RR

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