



CRL OP(MD). No.2505 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.2505 of 2022 and
Crl.M.P.(MD) Nos.1869, 1870 and 1501 of 2022**

1. Arok Nirmalt
2. N.Shiny

... Petitioners

Vs

1. State Rep by
Inspector of Police,
Valliyoor Police Station,
Valliyoor, Tirunelveli District.
(Crime No. 300 of 2017).

2. Hilda

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C.,
to pleased to call for the records to C.C.No.171 of 2021 , on the file of
the learned Judicial Magistrate Court, Valliyoor, Tirunelveli District, and
quash the same.

For Petitioners : M/s.K. Rajeshwaran

For Respondents : M/s. P. Kottaichamy for R1
Additional Public Prosecutor



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ORDER

This petition has been filed to quash the proceedings in C.C.No. 171 of 2021 on the file of Judicial Magistrate, Valliyoor, Tirunelveli District.

2.It is the case of the prosecution that the first petitioner is the son-in-law of the de-facto complainant. The second petitioner is the sister-in-law of the first petitioner. The allegation against them is that they abused the de-facto complainant and her daughter. Hence, a complaint came to be registered, which, on completion of investigation, was taken on file in C.C.No.171/2021 for offences under Sections 294(b), 448, 506(i) IPC, Section 67 of the Information Technology Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, for quashing which, the petitioners are before this court.

3.The learned counsel for the petitioners would submit that since the de-facto complainant's daughter did not come to the matrimonial home to live with the first petitioner, the first petitioner had initiated



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proceedings proceedings for restitution of conjugal rights. He would further submit that even then, the daughter of the de-facto complainant did not join the first petitioner and hence, a divorce proceedings came to be initiated and a decree came to be passed on 28.11.2018 by the family Court and the de-facto complainant also 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.171 of 2021 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



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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.

6. In the result, this criminal original petition is dismissed. Consequently connected Miscellaneous Petitions are closed.

06.02.2024

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TO

1.The Judicial Magistrate, Valliyoor

2.The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.

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M.DHANDAPANI. J

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