



Crl.O.P.(MD)No.4053 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD) No.4053 of 2024
Crl.MP(MD) Nos.3201 & 3203 of 2024

C.Suresh

... Petitioner

Vs

1.State Rep by
The Inspector of Police,
All Women Police Station,
Devakottai,
Sivagangai District.
(Crime No.5 of 2022)

2.Lavanya

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned charge sheet in CC No.126 of 2023 on the file of the Judicial Magistrate Court, Devakottai and to quash the same as illegal.

For Petitioners
For R1

: Mr.S.Pugalendhi
: Mr.B.Thanga Aravindh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition is filed to quash the proceedings in CC No.126 of 2023 on the file of the Judicial Magistrate Court, Devakottai insofar as the petitioner is concerned.



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2.The case of the prosecution is that there is a matrimonial dispute between the petitioner's brother and the defacto complainant. As per the prosecution case, the petitioner along with his family members has demanded dowry from the defacto complainant and harassed her. Therefore, a case in Crime No.5 of 2022 has been registered as against the accused persons for the offence under Sections 498(A), 494 & 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and the same was taken on file in CC No.126 of 2023 by the learned Judicial Magistrate, Devakottai.

3.The learned Counsel for the petitioner has raised various grounds to quash the above proceedings that there is no specific overt act as against the petitioner and he is working in abroad. Since the petitioner is the brother of the first accused, he has been implicated in this case.

4.Mr.B.Thanga Aravindh, learned Government Advocate (Crl.side), who takes notice for the first respondent strongly objects for quashing the proceedings in CC No.126 of 2023 and submits that the grounds raised by the petitioner is a matter for trial.



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5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the first respondent.

6.Though the petitioner has raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

17.04.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn

To

1.The Inspector of Police,
All Women Police Station,
Devakottai,
Sivagangai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

<https://www.mhc.tn.gov.in/judis>



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B.PUGALENDHI,J

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Order made in
Crl.OP(MD) No.4053 of 2024
Crl.MP(MD) Nos.3201 & 3203 of 2024

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