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CrI.O.P.(MD)No.5199 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

**CrI.O.P.(MD) No.5199 of 2022**

**and**

**CrI.M.P.(MD).No.3667 of 2022**

1.A.Ravichandran

2.Indrani

3.Sasikumar

4.Ponnambalam

5.Uma

... Petitioners

Vs.

1.State through the  
Inspector of Police,  
All Women Police Station,  
Thirupparankundram,  
Madurai District.  
In Crime No.85 of 2013

2.Vijaya

...Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Final Report in C.C.No. 317 of 2022 on the file of the learned Additional Mahila Court, Madurai, for the offence under Sections 498(A), 406 and 506(i) IPC in Crime No. 85 of 2013, dated 04.09.2013 on the file of the first respondent Police and quash the same.



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For petitioner : Mr.K.Suyambulinga Bharathi

For R-1 : Mr.S.Manikandan,  
Government Advocate  
(Criminal Side)

### **ORDER**

This petition has been filed seeking to quash the proceedings in C.C.No.317 of 2022 on the file of the learned Additional Mahila Court, Madurai, for the offence punishable under Sections 498(A), 406 and 506(i) IPC in Crime No.85 of 2013, dated 04.09.2013 on the file of the first respondent Police.

2. The case of the prosecution is that the first petitioner is the husband of the *defacto* complainant's daughter. It is alleged that the petitioners threatened the *defacto* complainant's daughter and demanded dowry from the second respondent. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that there was a matrimonial dispute between the first petitioner and the second respondent's daughter. Thereby, the *defacto* complainant made a complaint before the first respondent Police and the first respondent Police has registered a case in Crime No.85 of 2013 and thereafter, conducted the investigation and on completion of



investigation, the respondent Police has filed a charge sheet in C.C.No. 317 of 2022 for the offence punishable under Sections 498(A), 406 and 506(i) IPC and the same was taken on file. He would further submit that during the pendency of this petition, the *defacto* complainant died. However, the learned counsel requests before this Court to permit the petitioners to produce all the necessary documents before the trial Court at the time of trial.

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

5. The learned counsel appearing for the second respondent would submit that all those points raised before this Court is a triable issue, which cannot be canvassed before this Court and it can be canvassed only at the time of trial.

6. Since the case is pending from the year 2022, the trial Court is directed to complete the trial in C.C.No.317 of 2022 within a period of three (3) months from the date of receipt of a copy of this order. Since the *defacto* complainant reported to be dead, she could not appear before the trial Court. Therefore, if the prosecution not appeared before the trial Court, the trial Court is directed to pass appropriate orders in



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terms of Section 256 of Cr.P.C.

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7. 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. Liberty is granted to the petitioners to produce all necessary documents before the trial Court at the time of trial.

8. With the above observations, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

**04.03.2024**

Index : Yes/No

Internet : Yes/No



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To

1.The Additional Mahila Court, Madurai.

2.The Inspector of Police,  
All Women Police Station,  
Thirupparankundram,  
Madurai District.

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



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**M.DHANDAPANI. J.**

TSG

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**04.03.2024**