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Crl.O.P.(MD)No.6740 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

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

Crl.O.P.(MD) No.6740 of 2022

and

Crl.M.P.(MD).Nos.4665 and 4666 of 2022

1.Selvarani
2.Thamilan
3.Senthilkumar
4.Santhakumari
5.Jeyaprakash

... Petitioners/A3 to A7

Vs.

1.State Rep by
The Inspector of Police,
All Women Police Station,
Tiruparankundram, Madurai.

... 1st Respondent/Complainant

2.Ponmani

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the case in C.C.No.421 of 2021 on the file of the learned Additional Mahila Court, Madurai and quash the same in respect of these petitioners/A3 to A7.

For Petitioners	: Mr.S.G.L.Rishwanth
For R-1	: Mr.S.Manikandan
	Government Advocate (Criminal Side)
For R-2	: Mr.P.Balamurugan



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.421 of 2021 pending on the file of the Additional Mahila Court, Madurai.

2.The case of the prosecution is that the marriage between the second accused and the defacto complainant was solemnized on 03.06.2011 and at the time of marriage, 96 sovereigns of jewels and 5 sovereigns of necklace and other household articles worth about Rs.3 lakhs were given as Sridhana to the second accused. Out of the wedlock, they blessed with 2 children. Thereafter, the petitioners harassed the defacto complainant by demanding more dowry. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.24 of 2019 against the petitioners and the respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the Additional Mahila Court, Madurai and the learned Mahila Judge has taken cognizance in C.C.No.421 of 2021 for the alleged offences punishable under Sections 498(A), 406 and 506(i) r/w 34 of IPC.



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3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against the petitioners and there is no specific allegation made against the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal 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 petitioners, if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charges framed against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against them. 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)*.



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6.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.421 of 2021, pending on the file of the Additional Mahila Court, Madurai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense 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.

14.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
SJI



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



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M.DHANDAPANI. J.

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