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CrI.O.P.(MD)No.5154 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5154 of 2024

and

CrI.M.P.(MD)Nos.4052 and 4054 of 2024

Alagammai @ Backialakshmi

... Petitioner

Vs.

1. The Inspector of Police

Karaikudi North Police Station,

Sivagangai District.

(Crime No.632/2021).

2. Gandhimathi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.1666 of 2022 on the file of the Judicial Magistrate, Karaikudi, Sivganga District, pending disposal of the above Criminal Original Petition before this Court and quash the same.

For Petitioner

: Mr.D.Rameshkumar

For R1

: Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor



Cr.L.O.P.(MD)No.5154 of 2024

ORDER

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The petitioner is facing a charge before the learned Judicial Magistrate, Karaikudi, Sivgangai District, in C.C.No.1666 of 2022 for the offence punishable under Sections 294(b) and 506(ii) IPC.

2. The case of the prosecution is that on 12.12.2021, due to family dispute, the petitioner along with A1 is said to have abused the defacto complainant and also threatened her with dire consequences. Hence, a case has been registered.

3. The learned Additional Public Prosecutor appearing for the first respondent, by referring the FIR in Cr.No.632 of 2021, submits that there are specific allegations as against the petitioner.

4. Since there is a specific allegation against the petitioner, this Court is not inclined to entertain this petition. The petitioner can establish his innocence before the Trial Court by adducing evidence.

5. The learned counsel for the petitioner submits that the petitioner and the defacto complainant are relatives and hence, the personal appearance of the petitioner before the trial Court may be dispensed with.



Cr.L.O.P.(MD)No.5154 of 2024

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6. The petitioner is at liberty to file a petition under Section 205 Cr.P.C before the trial Court and the trial Court shall consider the same on merits. This criminal original petition is dismissed. The trial Court is directed to conclude the trial in C.C.No.1666 of 2022, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

03.04.2024

Index : Yes/No
Internet:Yes
NCC : Yes/No
LS

To

- 1.The Judicial Magistrate,
Karaikudi, Sivgangai District.
2. The Inspector of Police
Karaikudi North Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

LS

Order made in
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