



Crl.O.P.(MD)No.11530 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.11530 of 2022

and

Crl.M.P.(MD).Nos.7273 & 7274 of 2022

1.Selvaraj
2.Rajesh
3.Vasanth Karthi ... Petitioners/Accused Nos.1,2 & 8
Vs.

1.The State rep by
The Inspector of Police,
All Women Police Station,
Thiruparankundram, Madurai. ... 1st Respondent/Complainant

2.Ponmani ... 2nd Respondent/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 Additional Mahila Court, Madurai, and quash the same in respect of these petitioners/Accused Nos.1,2 & 8.

For petitioners : Mr.SGL.Rishwanth

For R1 : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

For R2 : 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, against the petitioners herein.

2. The case of the prosecution is that the second petitioner and the defacto complainant are the husband and wife. The first petitioner is the father-in-law and the third petitioner is the brother-in-law of the defacto complainant. The marriage was solemnized between the second petitioner and the defacto complainant on 03.06.2011. At the time of marriage, the defacto complainant was given 96 sovereigns of gold jewels and household articles worth about Rs.3 lakhs as sridhanas. Further, 5 sovereigns of gold chain was also given to the second petitioner. Out of wedlock, they were blessed with two female children. From the date of marriage, the petitioner has not taken care of the defacto complainant and the children properly. Further, the petitioners along with other family members abused the defacto complainant in filthy language and harassed her by demanding the additional dowry. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency and the same was registered in Crime No.24 of 2019 for the offences punishable under Sections 498(A), 406, 506(i) of IPC. After completion



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of investigation, the Law Enforcing Agency, field a final report before the Additional Mahila Court, Madurai, for the alleged offence punishable under Sections 498(A), 406, 506(i) & 34 of IPC and the same was taken on file in C.C.No.421 of 2021. Challenging the same, this petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioners have filed a petition for quashing the case instituted by the second respondent/complainant. However, he requests this Court to dispense with the personal appearance of the petitioners before the Court below.

4. Heard the learned counsel appearing for the petitioners, learned Government Advocate (Crl.Side) appearing for the State and the learned counsel appearing for the second respondent.

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 he is 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



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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)*.

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. 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.

01.03.2024

NCC : Yes/No
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,
Thiruparankundram, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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