



Crl.O.P.(MD)No.13330 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.03.2024**

CORAM:

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

Crl.O.P.(MD) No.13330 of 2022
and
Crl.M.P.(MD).No.8505 of 2022

1.S.Deepanraj

2.Rajalakshmi

3.Gandhimathi

4.Subalakshmi

... Petitioners

Vs.

1.The State through
rep.by The Inspector of Police,
All Women Police Station,
Palayamkottai, Tirunelveli,
Tirunelveli District.
Crime No.1 of 2016.

2.Umamaheshwari

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C.No.226 of 2019 on the file of the learned Judicial Magistrate Additional Mahila Court, Tirunelveli and quash the same.

For petitioners

: Mr.T.Indrachithu

For R-1

: Mr.S.Manikandan
Government Advocate
(Criminal Side)



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.226 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tirunelveli, against the petitioners herein.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the petitioners 2 to 4 are in-laws of the defacto complainant. There was a matrimonial dispute between the first petitioner and the defacto complainant, due to which, the defacto complainant has made a complaint before the first respondent Police, based on which, a case was registered in Crime No.1 of 2016 for the offence punishable under Sections 341, 294(b), 323, 506(ii) and 498(A) IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act @ Sections 341, 406, 294(b) and 498(A) IPC. After completion of investigation, the first respondent Police filed a charge sheet before the learned Judicial Magistrate, Additional Mahila Court, Tirunelveli, and the learned Judicial Magistrate has taken cognizance in C.C.No.226 of 2019 for the



offence punishable under Sections 341, 294(b), 323, 506(ii) and 498(A) IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act @ Sections 341, 406, 294(b) and 498(A) IPC.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation as 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)*.

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.226 of 2019, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed.

7. 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.

8. 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,



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shall direct their appearance on those days. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index : Yes/No

Internet : Yes/No

ssb

To

1. The learned Judicial Magistrate Additional Mahila Court, Tirunelveli

2. The Inspector of Police,
All Women Police Station,
Palayamkottai, Tirunelveli,
Tirunelveli District.

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



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M.DHANDAPANI. J.

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