



CrI.O.P.(MD)No.14000 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2024**

CORAM:

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

CrI.O.P.(MD) No.14000 of 2022 and
CrI.M.P.(MD).No.9002 of 2022

1.Patchirajan

2.Rajalakshmi

3.Kasthuri

4.Vellaichamy

... Petitioners/Accused

Vs.

Murugalakshmi

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in D.V.No.26 of 2022, on the file of the Judicial Magistrate Court No.3,Thoothukudi and quash the same.

For petitioner
For R-1

: Mr.M.Muthumalairaja
: Mr.M.Pandian

ORDER

This petition has been filed seeking to quash the case in D.V.No. 26 of 2022, pending on the file of the Judicial Magistrate Court No.3, Thoothukudi.



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2. The case of the prosecution is that the marriage between the de-facto complainant and one Vijay took place on 08.09.2017. However, since the marriage ran into rough weather, the de-facto complainant said to have preferred a complaint against the in-laws under Section 12 of Domestic Violence Act, which has been taken on file in CC No.102/2021 before the trial court, for quashing which, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that the petitioners herein are separately residing somewhere and they are not residing along with either the de-facto complainant or her husband. It is further submitted that the petitioners 1 and 2 are the maternal uncle and aunt of the husband of the de-facto complainant; the petitioner No. 3 is the mother-in-law of the de-facto complainant and the respondent No.4 is the paternal uncle of the de-facto complainant's husband. It is further contended that though a complaint has been preferred by the de-facto complainant against her in-laws, the petitioners are no way connected with the said offence and that they never interfered with the matrimonial life of the de-facto complainant and hence, prays for interference. He would further contend that the divorce proceedings were initiated and the same is also pending.



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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 them 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 him. Useful reference in this regard can be had 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 DV No.26 of 2022, pending on the file of the learned Judicial Magistrate Court No.3, Thoothukudi. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is dismissed.



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7. 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.

01.03.2024

Index : Yes/No

Internet : Yes/No

RR

To

1.The Judicial Magistrate Court No.3,
Thoothukudi.

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



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M.DHANDAPANI. J.

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