



CRL OP(MD). No.15036 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18.03.2024

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The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.15036 of 2022 and
Crl.M.P.(MD) Nos.9830 of 2022 and 2957 of 2023**

1.Kaliyaraj
2.Periyanga
3.Maharaja

... Petitioners

Vs

1. State Rep by
Inspector of Police,
All Women Police Station,
Trichy District
(Crime No. 11 of 2018).

2.Anitha

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C., to pleased to call for the records in S.C.No.56 of 2022, on the file of the Mahila Court, Tiruchirappalli, and quash the same insofar as the petitionrs alone.

For Petitioners : M/s.R.Murugappan



CRL OP(MD). No.15036 of 2022

For Respondents : M/s. P. Kottaichamy for R1
Government Advocate (Crl.side)
Mr.M.Sheik Abdullah for R2
(Legal aid counsel)

ORDER

This petition has been filed to quash the proceedings in S.C.No.56 of 2022 on the file of Mahila Court, Tiruchirappalli.

2.It is the case of the prosecution that the 2nd respondent/complainant fell in love with A-1 and had physical relationship. However, it is alleged that thereafter A1 refused to marry the de-facto complainant and hence, a complaint came to be registered and on completion of investigation, charge sheet has been filed for offences under Sectins 294(b), 417, 420, 376 and 506(i) IPC and the case is committed to the Court of Sessions, for quashing the said case, the petitioners, who are arrayed as A3 to A5, are before this court with this petition.

3.The learned counsel for the petitioners would submit that since the de-facto complainant's is a major, she fell in love with A1 and the



CRL OP(MD). No.15036 of 2022

complaint itself is a tutored one in order to implicate the petitioners and the petitioners have nothing to do with the alleged offences. He would further submit that the de-facto complainant has now married to somebody and living separately and hence, prays for interference. He would further submit that the case has been split up against the petitioners herein and hence, prays for appropriate direction to the court below.

4.The learned counsel for the 2nd respondent, however, would submit that simply because the 2nd respondent has married to someone, it does not mean that the chargesheet has to be quashed against the petitioners. He would further submit that the offences, which are heinous in nature, are necessarily have to be tried before the trial court and hence, prays for dismissal.

5.Heard the learned Government Advocate (Crl. Side) for the first respondent, who would submit that there are materials available against the petitioners to proceed with the case and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners



CRL OP(MD). No.15036 of 2022

have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

6. In view of the submission made by the learned counsel for the petitioners, the trial court is directed to conduct a joined trial in SC No. 56/2022 along with the connected case and conclude the same and if the defacto complainant fails to appear before the trial Court during the said period, the trial Court may pass appropriate orders in terms of Section 256 of Cr.P.C.

7. At this juncture, 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



CRL OP(MD). No.15036 of 2022

of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

8. In the result, this criminal original petition is dismissed.

Consequently connected Miscellaneous Petitions are closed.

18.03.2024

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TO

1.The Mahila Court, Tiruchirappalli

2.The Inspector of Police,
All Women Police Station,
Trichy District



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CRL OP(MD). No.15036 of 2022

M.DHANDAPANI. J

RR

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