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Crl.O.P.(MD)No.16089 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.03.2024**

CORAM:

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

Crl.O.P.(MD) No.16089 of 2022

and

Crl.M.P.(MD).Nos.10627 and 10629 of 2022

1. Ashokkumar

2. Shanthi

3. Premnath

... Petitioners/A2 to A4

Vs.

1.The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
(Crime No.1/2022).

... 1st Respondent/Complainant

2. Robina Jeyaseeli

... 2nd Respondent/Defacto
complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned order in C.C.No. 52 of 2022 on the file of Additional Mahila Court, Sivagangai and quash the same in so far as petitioners concerned.

For petitioners : Mr.Karthi Raja D

For R-1 : Mr.P.Kottaichamy
Government Advocate (Criminal Side)

For R-2 : Mr.P.Banuprasath



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.52 of 2022 pending on the file of the Additional Mahila Court, Sivagangai.

2.The case of the prosecution is that the marriage between the defacto complainant and the first accused was performed on 12.05.2014. At that time of marriage, sufficient seervarisai and jewels were offered. Thereafter, the petitioners scolded the defacto complainant and harassed her demanding dowry. The defacto complainant's father arranged a house for the defacto complainant and her husband at Chennai. At that time, the first accused were stayed with another women in a seperate house and when the same was question by the defacto complainant with the petitioners, the petitioners scolded the defacto complainant in filthy language, supporing the first accused for his second marriage, attacked the defacto complainant with hands. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.1 of 2022 against the petitioners and the respondent Police conducted the investigation and on completion of investigation, the charge sheet has



been filed before the Additional Mahila Court, Sivagangai and the same was taken cognizance in C.C.No.52 of 2022 for the alleged offence punishable under Sections 498(A), 294(b), 323, 109 and 506 (i) of I.P.C., and Section 4 of TNPHW Act, 2002.

3.The learned counsel appearing for the petitioners would submit that the petitioners are in-laws of the defacto complainant. A false case has been foisted against the petitioners and there is no specific allegation made 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.52 of 2022, pending on the file of the Additional Mahila Court, Sivagangai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.At this juncture, 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. 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.O.P.(MD)No.16089 of 2022

of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Further, the concerned trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this order.

13.03.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Additional Mahila Court,
Sivagangai.
- 2.The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.16089 of 2022

M.DHANDAPANI. J.

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