



Crl.O.P(MD).No.18763 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.18763 of 2022 and
Crl.M.P(MD).Nos. 12610 and 12612 of 2022

1.Siva Prasath Manivannan
2.Ayyathurai
3.Bhavani

... Petitioners

Vs.

1.The State of Tamil Nadu
Rep. by the Inspector of Police,
Nesamony Nagar Police Station,
Kanniyakumari District.

2.Bahrathi Priya

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records in connection with the charge sheet in C.C.No.78 of 2022 pending on the file of the Additional Mahila Court, Nagercoil and quash the same as against the petitioners.

For Petitioners : Mr.S.Ramakrishnan

For Respondent No.1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

For 2nd respondent : Mr.S.Manoharan



Crl.O.P(MD).No.18763 of 2022

ORDER

WEB COPY

The petitioners have filed this petition seeking quash of C.C.No.78 of 2022 pending on the file of the Additional Mahila Court, Nagercoil against this petitioners.

2. The learned counsel appearing for the petitioners submitted that there was a matrimonial dispute between the first petitioner / A1 and the 2nd respondent / defacto complainant. Due to which, the 2nd respondent has given a false complaint against the petitioners and the petitioners herein have not involved in any offence and prays for allowing this petition.

3. The learned counsel appearing for the 2nd respondent submitted that the petitioners herein have demanded additional dowry from the 2nd respondent / defacto complainant and also harassed her both mentally and cruelly and hence, 2nd respondent has given a complaint against the petitioners and prayed for dismissal of this petition.

4. Heard the learned counsel appearing for the petitioners and the 2nd respondent and perused the materials available on record.



Crl.O.P(MD).No.18763 of 2022

5. The offences with which the petitioners have been charged are under Sections 457 and 380 IPC. It is seen that there are some averments against the petitioners in the complaint. Therefore, it is not possible for this Court to quash the proceedings as such.

6. Accordingly, this Criminal Original Petition is dismissed. However, the petitioners are given liberty to raise all their contentions, including the contentions raised in this Criminal Original Petition at the time of trial. Consequently, the connected Miscellaneous Petitions are closed.

7. In the circumstances, the learned counsel appearing for the petitioners seeks to dispense with the personal appearance of the petitioners before the trial Court.

8. Taking into consideration of 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



Crl.O.P(MD).No.18763 of 2022

on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners are necessary, the trial court, at its wisdom, shall direct those appearance on those days.

24.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The Additional Mahila Court, Nagercoil
2. The Inspector of Police,
Nesamony Nagar Police Station,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P(MD).No.18763 of 2022

A.A.NAKKIRAN, J.

Trp

**Crl.O.P(MD).No.18763 of 2022 and
Crl.M.P(MD).Nos. 12610 and 12612 of 2022**

24.04.2024