



Crl.O.P.(MD)No.21 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.01.2024**

CORAM:

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

Crl.O.P.(MD) No.21 of 2022
and
Crl.M.P.(MD).Nos.37 and 41 of 2022

- 1.Rajagopal
 - 2.Umarani @ Kutty
 - 3.Pushpavalli
 - 4.Sangeetha
- ... Petitioners 1 to 4 /Accused Nos.2 to 5

Vs.

- 1.State through
the Sub Inspector of Police,
All Women Police Station,
Rajapalayam.

- 2.Radhika
- ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned C.C.No.53 of 2021, on the file of the Additional Mahila Court, Srivilliputhur and quash the same.

For petitioners	: Mr.S.Venkatesh
For R-1	: Mr.SS.Madhavan, Government Advocate (Criminal Side)
For R-2	: Mr.N.Dilipkumar



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ORDER

This petition has been filed seeking to quash the case in C.C.No.53 of 2021 pending on the file of the learned Additional Mahila Judge, Srivilliputhur.

2. The case of the petitioners is that the first and second petitioners are paternal uncle and aunt, the third petitioner is the sister and the fourth petitioner is the nephew of the first accused. The marriage between the first accused and the *defacto* complainant was solemnized in the year 2020. Prior to that marriage, the first accused performed another marriage in the year 2017 and had one female child with the first wife. Thereafter, the first wife died and the first accused had married the *defacto* complainant and after marriage, the first accused neglected the *defacto* complainant and continuously harassed her and thereby, she requested the petitioners herein to resolve the dispute between them. But, the petitioners joined together with the Accused No.1 and attacked her by using filthy language and committed cruelty and thereby, the *defacto* complainant made a complaint before the respondent Police and the respondent Police registered a case in Crime No.9 of 2021 and after completing the investigation, the respondent Police filed a charge sheet and the same was taken on file in C.C.No.53 of 2021 on the file of the learned Additional Mahila Judge, Srivilliputhur, for the alleged offence



punishable under Sections 294(b), 489(A) and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that there was some allegation made against the petitioners 1 to 3 / Accused Nos.2 to 4. However, no allegation was made against the fourth petitioner / Accused No.5. He would further submit that Accused No.5, who is the nephew of Accused No.1, had never visited the matrimonial home of the *defacto* complainant.

4. The learned counsel appearing for the *defacto* complainant / second respondent would submit that there were some serious allegations made against the petitioners. He would further submit that this Court may quash the charge sheet in respect of Accused No.5. However, the said quashment against the Accused No.5 will not be applicable to the other accused persons. He would further submit that they have to independently disprove the case before the trial Court.

5. In view of the above submissions made by both sides, this Court is inclined to quash the proceedings in C.C.No.53 of 2021 in respect of petitioner No.4 / Accused No.5, however, in respect of petitioner Nos.1 to 3, this Court is not inclined to quash the proceedings.



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6. At this juncture, the learned counsel appearing for the petitioners would submit that considering the age of the petitioner Nos.1 to 3, this Court may dispense with the personal appearance of them before the court below. Taking into consideration the request made by the learned counsel for the petitioners, the appearance of the petitioner Nos.1 to 3 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 petitioner Nos.1 to 3 is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

7. Accordingly, this Criminal Original Petition is allowed insofar as the petitioner No.4 is concerned and dismissed insofar as the petitioner Nos.1 to 3 are concerned. Consequently, the connected miscellaneous petitions are closed.

23.01.2024

Index : Yes/No
Internet : Yes/No
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To

- 1.The Additional Mahila Court, Srivilliputhur.
- 2.The Sub Inspector of Police,
All Women Police Station,
Rajapalayam.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI. J.

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