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CRL OP No. 22396 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 22396 of 2025 &
CrI.MP.Nos.15299 & 15296 of 2025**

AVINISH

S/o.Mr.Srinivasan, No.91, HT Santhu,
Kalkeri Main Road, Ramamurthy
Nagar, Bengaluru-580016.

Petitioner(s)

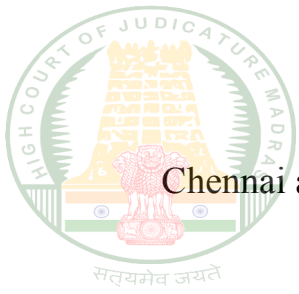
Vs

1. The State by, The Inspector of Police,
W8, All Women Police Station,
Thirumangalam, Chennai-600 101.
Cr.No.12/2023.

2.Nelofur Sultana
D/o.Mohammed Yasin, No.AP 279,
27th Street, Kambar Colony, 18th Main
Road, Anna Nagar, Chennai-600 040.

Respondent(s)

PRAYER :: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in CC No.36/2024 on the file of the Learned Metropolitan Magistrate, Additional Mahila Court, Egmore,



Chennai and quash the same.

For Petitioner(s): Mr. M.P.Saravanan

For Respondent(s): Mr.R.Vinothraja,
Govt. Advocate (crl.side)

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ORDER

This petition is filed to call for the records pertaining to the charge sheet in CC No.36/2024 on the file of the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai and quash the same.

2. In this petition, the final report filed under sections 498A and 406 IPC is sought to be quashed on the ground that the wife left the matrimonial home in the year 2020 and she has lodged a complaint in the year 2023. Further, the accused and the defacto complainant lived in Bangalore and the charge sheet reveals that the complainant's matrimonial home is at Bangalore and no part of the alleged offence is taken place within the territorial jurisdiction of the complainant/wife and the respondent has failed to transfer the complaint to the concerned police station who has jurisdiction for further



investigation. Hence, he submitted that on the abovesaid ground, the charge sheet filed in C.C.No.36 of 2024 is liable to be quashed.

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3. The learned Govt. Advocate, on instructions, would submit that on filing of the final report, the case has been taken on file in C.C.No.36 of 2024 before the Metropolitan Magistrate, Addl. Mahila Court, Egmore, Chennai and the trial has already been commenced and during trial, PW1 was examined in part on 26.06.2025 and for further examination of PW1, the case is now posted before the trial court on 29.08.2025.

4. According to the prosecution, statement of witnesses have been recorded. All these facts are matter of evidence and this Court cannot go into all those factual aspects and conduct roving enquiry while exercising its jurisdiction under section 482 Cr.P.C. and hence, I do not find any merits in this petition.

5. The petitioner's appearance before the trial court is dispensed with except for the hearings of questioning before the trial court. He should appear



before the trial court as and when required. It is also made clear that the accused shall fully cooperate for cross examination during trial proceedings and merely on the ground of his personal appearance before the trial court is being dispensed with, the same cannot be taken advantage of by the petitioner for prolonging the trial.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, Crl.M.P.No.15299 of 2025 is ordered as stated above.

Crl.M.P.No.15296 of 2025 is closed.

msr

11-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

To

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N.SATHISH KUMAR J.

msr

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