

DATED: 05.03.2010

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CrI.O.P.No.15114 of 2007

and

M.P.No.1 of 2007

1. R.Parthasarathy

2. P. Rathinamani .. Petitioners/Accused No.2&3

Vs.

State by

Inspector of police

All Women Police Station (East)

Coimbatore City

Coimbatore. .. Respondent/Complainant

PRAYER: Criminal Original Petition filed under section 482 of Criminal Procedure Code praying for a direction to call for the records in C.C. No.286/2007 pending on the file of the Learned Judicial Magistrate No.II, Coimbatore and quash the proceedings as far as these petitioners are concerned and pass further orders. For Petitioners : Mr.C.S. Dhanasekaran

For Respondent : Mr.J.C.Durairaj, G.A (CrI.Side)

ORDER

This petition has been preferred by the second and third accused in C.C.No.286 of 2007 pending on the file of the learned Judicial Magistrate No.II, Coimbatore seeking the relief of quash of proceedings in such case, in so far as they are concerned.

2. It is now informed by the learned counsel for the petitioners that the first accused is the husband, the second accused is the father-in-law and the third is the mother-in-law of the defacto complainant and offences u/s.406, 498 (A) and 4 of Dowry Prohibition Act have been alleged.

3. Learned counsel for the petitioner submits that the first petitioner, father-in-law is no more. On the complaint of the defacto complainant alleging offences against her husband, as also the first petitioner (now deceased) and the second petitioner who is her mother-in-law, case has been registered in Cr.No.24/2006 on the file of the respondent police for offences u/s.498A IPC and 4 of the Dowry Prohibition Act. Subsequently, charge sheet has been filed for offences u/s.406, 498A IPC and 4 of the Dowry Prohibition Act, which has been taken on file as C.C.No.286/2007.

4. In support of the quash petitioner, the learned counsel urges the grant of limitation and also informs that the 161(3) Cr.P.C statements which are put up in the case have been received by the investigating officer through post. They also bear the signatures of the persons who are said to have made the statements.

5. Heard the learned Government Advocate on the submissions made on behalf of the petitioner.

6. This court is of the opinion that, given the fact that section 498A IPC dealing with the cruelty would be a continuance offence, the petition would not survive for consideration. However, it is open to the petitioner to urge all grounds before the lower court. Considering the representation made and in view of the advanced age of the petitioner, the lower court would be directed to dispose of the proceedings within a time frame.

7. The lower court is directed to complete the trial and dispose of the case, within a period of four months from the date of receipt of a copy of this order. Accordingly, the Criminal Original petition is dismissed. Consequently, the connected M.P. is closed. 05.03.2010

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Index:yes/no

Internet:yes/no

To

1. The Judicial Magistrate-II,

Coimbatore.

2.The Public Prosecutor,

High Court, Chennai.

C.T.SELVAM, J.,

avr

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