

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.11984 OF 2016
and CRL.M.P.No.6151, 6152 of 2016
and

CRL.O.P.No.4985 OF 2016
and CRL.M.P.No.2607 of 2016

1.P.Praveen Rajasekar
2.N.Paul Palanivel ... Petitioners in
Crl.OP.11984/16

P.Subhageetha Selvaraj ... Petitioner
in Crl.OP.4985/16

Vs

1.State rep by
The Inspector of Police,
W-21, AWPS, Guindy,
Chennai-32.

2.Delsia Praveen ... Respondents
in both Crl.OPs

Common Prayer : Criminal Original Petitions filed under Section
482 of Cr.P.C., to call for the records and quash the IX
C.C.No.3139 of 2015 pending before the
Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners : No appearance
in Crl.OP.11984/16
For Petitioner : Mr.G.Jermiah
in Crl.OP.4985/16 for Mr.V.Kamal

For 1st Respondent : Mr.C.Emalias, APP
in both Crl.OPs
For 2nd Respondent : Mr.N.Manokaran
in both Crl.OPs

C O M M O N O R D E R

These petitions have been filed to quash the proceedings in C.C.No.3139 of 2015 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai.

2. On the complaint lodged by Delsia Praveen, the respondent police have registered a case in Crime No.8 of 2014 on 14.10.2014 for offences under Sections 498[A] and 506[i] IPC and after completing investigation, filed final report in C.C.No.3139 of 2015 before the learned IX Metropolitan Magistrate, Saidapet against Praveen Rajasekar [A1], Paul Palanivel [A2] and Subhageetha Selvaraj [A3]. Challenging which, Praveen Rajasekar [A1] and Paul Palanivel [A2] has filed CrI.O.P.No.11984 of 2016 and Subhageetha Selvaraj [A3] has filed CrI.O.P.No.4985 of 2016.

3. It is seen that both petitions, namely, CrI.O.P.Nos.11984 of 2016 and 4985 of 2016 have been filed by the same counsel by name Mr.V.Kamal. The matter was specifically posted today 'for orders' at 2.15 p.m. When the matter was taken up for hearing, Mr.G.Jermiah, learned counsel submitted that he is appearing on behalf of Mr.V.Kamal in CrI.O.P.No.4985 of 2016 for A3 and that he has no instructions to appear for A1 and A2 in CrI.O.P.No.11984 of 2016.

4. There was no representation on behalf of the petitioners in CrI.O.P.No.11984 of 2016 on account of boycott of courts. However, in Harish Uppal [Ex.Capt.] Vs. Union of India & another reported in [2003] 2 SCC 45, the Hon'ble Supreme Court has held that boycott of Courts is illegal and therefore, this Court went through the records, heard Mr.G.Jermiah, learned counsel for A3; Mr.N.Manokaran, learned counsel for the de facto complainant and Mr.C.Emalias, learned Additional Public Prosecutor and passed orders.

5. It is the case of the de facto complainant that she got married to Praveen Rajasekar [A1] on 11.09.2013 and thereafter, they got estranged. Praveen Rajasekar had taken up a house in Velachery, Chennai, but whereas his parents were living in Kanchipuram. Delsia Praveen got separated and she was living with her parents in Coimbatore. Delsia Praveen has specifically alleged that on 20.12.2013, she came all the way from Coimbatore to Chennai to be with her husband for Christmas and when she went to her husband's house at Velachery, in the morning at 6.30 along with her mother, her husband Praveen Rajasekar opened the door and abused her. Unable to bear his abuses, she informed

her father-in-law Paul Palanivel, who threatened her and told her that her son had unfortunately got married to her and that they are looking for a better girl for his son.

6. On reading of 161 statements of the witnesses, there are sufficient materials for the prosecution to proceed as against Praveen Rajasekar [A1] and Paul Palanivel [A2] and therefore, CrI.O.P.No11984 of 2016 stands dismissed. As regards Subhageetha Selvaraj [A3], who is the brother of Praveen Rajasekar, there are no serious allegations against him. In the result, CrI.O.P.No.4985 of 2016 is allowed and the proceedings in C.C.No.3139 of 2015 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai is hereby quashed as against Subhageetha Selvaraj [A3]. The trial Court is directed to expedite the trial. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The IX Metropolitan Magistrate,
Saidapet, Chennai

2.The Inspector of Police,
W-21, AWPS, Guindy,
Chennai-32.

3.The Public Prosecutor,
High Court, Madras.

+lcc to M/S.V.Kamal, Advocate Sr.37590

+lcc to M/S.V.Manokaran, Advocate sr.36929

CRL.OP.Nos.11984 & 4985 OF 2016

ad[co]
srg 19/07/2016