



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2018**

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CRL.O.P. (MD) No.19428 of 2018

and

Crl.M.P. (MD) Nos.8798 and 8799 of 2018

Rettisha

... Petitioner

Vs

1.State:The Sub Inspector of Police,  
Kayathar Police Station,  
Kayathar,  
Tuticorin District.

2.Muthukumar

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in C.C.No.309 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti, Tuticorin District and quash the same against this petitioner / accused No.3 in C.C.No.309 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti, Tuticorin District.

For Petitioner : Mr.K.A.Raamakrishnan

For R1 : Mr.K.Suyambulinga Bharathi  
Government Advocate (Crl.Side)

#### ORDER

This criminal original petition has been filed to quash the proceedings in C.C.No.309 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti, Tuticorin District.

2.The respondent police after investigation filed a final report before the learned Judicial Magistrate No.II, Kovilpatti, against the accused persons for the offence under Sections 435, 294 (b) and 506 (ii) IPC. The petitioner has been arrayed as A3.

3.The learned counsel for the petitioner would submit that this petitioner is a mentally disabled person and she has been falsely implicated in this case. The learned counsel further would submit that this petitioner has been arrayed as an accused only because she is the cousin sister of the first accused.

4.The learned counsel also brought to the notice of this Court, the medical certificate granted by the State Commissioner for the Differently Abled Welfare Department, Government of Tamil Nadu. The learned counsel also pointed out to the fact that the certificate has been given clearly stating that the petitioner is a mentally



disabled person with 70% MR and her mother has been appointed as guardian for the petitioner.

5. In the facts and circumstances of the case, the presence of the petitioner shall be dispensed with before the Court below. The Court below is directed to assess the mental condition of the petitioner as a preliminary issue. If the Court below finds that the petitioner is mentally disabled, the name of the petitioner shall be dropped from the proceedings and the case may be continued insofar as A1 and A2 are concerned. The petitioner shall be represented by a counsel before the Court below.

6. This Criminal Original Petition is disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

/True Copy/

**Sub Assistant Registrar (CS-II)**

To

1. The Judicial Magistrate No.I,  
Kovilpatti,  
Tuticorin District.

2. The Sub Inspector of Police,  
Kayathar Police Station,  
Kayathar,  
Tuticorin District.

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

- 1 CC TO Mr.KA.RAMAKRISHNAN , ADVOCATE IN SR No.93493.
- 
- MM
- DS RSK SAR2 19 12 2018 2P 5C

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