

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.16639 of 2015

1.M.Rameshkumar
2.M.Subramanian
3.M.Rajukumar
4.M.Ravikumar

... Petitioners/Accused.

Vs

State by

The Inspector of Police,
S5, Pallavaram Police Station,
Chennai.(Crime No.154/14)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Mahila Court, Chenglepattu, to recall the non-bailable warrant issued against the petitioners in SC.No.27 of 2014.

For Petitioners :Mr.S.Gunalan

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

Seeking a direction to the learned Mahila Court, Chenglepattu, to recall the non-bailable warrant issued against the petitioners in SC.No.27 of 2014, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the material placed on record.

3.In Para 5 of this petition, it has been stated as follows:

"5.The petitioners submit that the 1st respondent has filed a case against the petitioners in Crime No.154 of 2014 under Sections 366A, 376 and 506 (i) of IPC and the same has been taken on file of Judicial Magistrate, Tambaram, and subsequently, transferred to Mahila Court, Chengalpattu and numbered as SC No.27 of 2014. The petitioners humbly submit

that the petitioners and the defacto complainant filed a compromise memo and settled the disputes amicably. Hence, they file quash petition before this Hon'ble Court in CrIOP No.14711 of 2015 to quashing the charge sheet as per the compromise memo given by the defacto complainant. The above quash petitioner came up for hearing on 24.06.2015 and this Hon'ble Court dismissed the quash petition and directed the trial Court to dispose the case within two months. On 24.06.2015, the petitioners and the defacto complainant were present before this Hon'ble Court. The very same day, the SC No.27 of 2014 was posted for further examination of witness before the Mahila Court, Chengalpattu. Hence, we were not able to attend the trial Court. The learned Judge passed a non-bailable warrant against them. In the above circumstances, unless this Honourable Court recall the warrant, the petitioners will be put to irreparable loss and hardship."

4.It is seen that the petitioners were before this Court on 24.06.2015 and therefore, they were not able to be present before the trial Court. Under such extraordinary circumstances, this Court is of the view that this is a fit case to direct the petitioner to surrender before the trial Court within a period of one week from the date of receipt of a copy of this order. On such surrender, the Non-Bailable Warrant shall be recalled.

mps

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The Judge,
Mahila Court,
Chenglepattu.

2.The Inspector of Police,
S5, Pallavaram Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to M/s.S.Gunalan, Advocate SR 33519

rv(co)
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