

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.9523 of 2015

and

M.P.No.1 of 2015

1.Thowlath Begam
2.Faritha Banu
3.Sumaiya Banu
4.Wahida Banu

... Petitioners (Accused)

Vs

The State rep. By Inspector of Police,
Virugambakkam Police Station
(Law & Order),
Chennai - 600 092.

... Respondent (Complainant)

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in charge sheet filed in C.C.No.169 of 2015 dated 06.03.2015 on the file of learned XXIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.S.Y.Masood

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking to quash the case in C.C.No.169 of 2015 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, the petitioners have come up with this petition.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

3. In my considered opinion, the final report filed by the respondent police in C.C.No.169 of 2015 disclose sufficient materials for the trial to proceed with. Hence, this Criminal Original Petition is devoid of merits and the same is liable to be dismissed.

4.The learned counsel for the petitioners submits that the accused are ladies and hence, their appearance before the trial Court may be dispensed with.

5.Accepting her submissions, the petitioners are directed to appear before the trial Court to receive the final report and other relevant documents under Section 207 Cr.P.C., for the purpose of answering the charges; at the time of examination under Section 313 Cr.P.C., and at the time of pronouncing judgement. The trial Court shall liberally consider their petition under Section 317 Cr.P.C., provided, if they are represented by learned counsel and on further condition that the petitioners shall not dispute their identity and that they will cross examine the witness and not adopt any dilatory tactics so as to drag the trial Court proceedings. Further, if the petitioners fail to follow the above conditions, then, the trial Court shall insist for the appearance of the petitioners.

6.With the above observations, the Criminal Original Petition is closed however with liberty to the petitioners to raise all the points before the trial Court. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jbm
To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. - do- Through The Chief Metropolitan Magistrate,
Egmore, Chennai - 8.
3. Inspector of Police,
Virugambakkam Police Station
(Law & Order), Chennai - 600 092.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Y.Masood, Advocate, S.R.No.21020

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PPA(CO)
CA(04/05/2015)