



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.O.P.(MD) No.2221 of 2015

1. HEEBA JEMI
2. PAUL SAMUEL

.. Petitioners

Vs.

1. THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
MELAPALAYAM, TIRUNELVELI CITY.
2. KUMAR

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the proceedings in C.C.No.195/2014 pending on the file of the Judicial Magistrate No.V, Tirunelveli and quash the same.

For Petitioners : Mr.K.Samidurai
For R1 : Mr.K.Anbarasan
Government Advocate, (Crl. Side)

O R D E R

The petitioners have filed this petition to quash C.C.No.195/2014 pending on the file of the Judicial Magistrate No.V, Tirunelveli.

2. The learned counsel for the petitioners informs that the petitioners are in possession of the property wherein the occurrence is said to have taken place. They filed a suit in O.S.No.168 of 2014 on the file of the Principal District Court, Tirunelveli and have obtained an order of interim injunction in their favour.

3. It is seen that the interim injunction has been granted by the Civil Court only in respect of another property wherein a hotel was being run.

4. In such circumstances, this Criminal Original Petition is dismissed granting liberty to the petitioners to place all their contentions before the Court below. However, taking note of the submissions of the learned counsel for the petitioners that the petitioners are residing at Chennai and requiring their presence before the trial Court would cause them grave hardship, this Court would dispense with the presence of the petitioner before the lower Court, upon their swearing to affidavits informing their address for service, that they duly would be represented by their counsel on all hearing dates, that they would, at no instance, dispute their identity and that, they would appear before the trial court as and when required. Upon the petitioners doing so, the trial court may seek the presence of the petitioners before it, solely on the important hearing dates. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/



To

1. THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI

2. -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3. THE PRINCIPAL DISTRICT COURT, TIRUNELVELI

4. THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
MELAPALAYAM,
TIRUNELVELI CITY.

5. THE PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

sm:10.04.2015:2P/6C

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