

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.1849 of 2015
and CrlMP No.6407 of 2016

1.P.Elumalai
2.A.Padman

...Petitioners

Vs

Banumathy

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records and quash all the proceedings against the petitioners in DVOP No.110 of 2013 on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem.

For Petitioners :Ms.Sumithra Vasudevan
For Respondent :Mr.D.Rajagopal

ORDER

This petition has been filed to quash all the proceedings against the petitioners in DVOP No.110 of 2013 on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem.

2.By consent, the main Criminal Original Petition itself is taken up for final disposal.

3.It is seen that Banumathy got married to Kamalakannan on 21.11.2001 and thereafter, their marriage life ran into rough weather. They have two children through the wedlock, who are with Banumathy. She has initiated proceedings in DVOP No.110 of 2013 on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem, against her husband Kamalakannan and her parent-in-laws, who are the petitioners herein.

4.Mr.B.Vasudevan, learned counsel for the petitioners submitted that Banumathy and Kamalakannan, were in love and got married sometimes in the year 2001 and since then they have been residing separately and not with the petitioners.

5.Mr.D.Rajagopal, learned counsel for the respondent submitted that the trial in DVOP No.110 of 2013 has commenced and the witnesses have to be examined by the respondent.

6.Learned counsel for the petitioners further submitted that Kamalakannan is paying the monthly maintenance of Rs.8,000/- per month in the proceedings initiated in DVOP No.110 of 2013 to the children.

7.Under such circumstances, this Court is of the view that in the interest of Justice, the presence of the petitioners namely, Elumalai and Padman before the trial Court is dispensed with on condition that the petitioners are directed to appear before the trial Court for answering the charge, for answering questions under Section 313 CrPC and on the day of Judgment. For the other hearings, the petitioners shall file a petition before the trial Court that their counsel will cross examine the witnesses without insisting for their presence and that they will not dispute their identity. On such petition being filed, the trial Court is directed to liberally consider the same. If the petitioners adopt any dilatory tactics, the trial Court is entitled to insist the presence of the petitioners.

8.The trial Court is directed to complete the proceedings in DVOP No.110 of 2013 on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem, within a period of three months from the date of receipt of a copy of this order.

With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Judicial Magistrate,
Additional Mahila Court,
Salem.

2.The Public Prosecutor,
High Court, Chennai.

+1cc to M/s. B. Vasudevan, Advocate, S.R.No.33488

SNS (CO)
EU (12/07/2016)

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