

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.21597 of 2016

and

CrI.M.P.Nos.9991 and 9992 of 2016

1.Sankarakrishnan
2.S.Saravanan
3.Vijaya Saravanan

... Petitioners/Respondents

Vs.

R.Kousalya Devi ... Respondent/Petitioner

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the entire records relating in D.V.C.No.18 of 2016 on the file of the Judicial Magistrate, Tambaram and quash the same.

For Petitioners : Mr.B.Kumarasamy

For Respondent : Mr.K.S.Murugan

ORDER

When this Court was about to dismiss the case on merits, the learned counsel for the petitioners sought permission of this Court to withdraw this petition and he has also made an endorsement to that effect. Permission is granted. Accordingly, this petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

2. At this juncture, the learned counsel for the petitioners submitted that the presence of petitioners 2 and 3 before the trial Court may be dispensed with.

3. Accepting the submission, the presence of petitioners 2 and 3 before the trial Court shall be dispensed with on condition that they shall file an affidavit of undertaking that the counsel named by them in the affidavit will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab, [2015 (1) MLJ (CrI.) 288] and on further condition that that they shall ensure that the first petitioner deposits a sum of Rs.3,000/- before 5th of every English calendar month, to the credit of DVC No.18 of 2016 on

the file of the Judicial Magistrate, Tambaram as ad-interim maintenance, without prejudice to both the parties till the final disposal of DVC No.18 of 2016. On such deposit, the respondent-wife is entitled to withdraw the same. All points are left open to be decided by the trial Court. Final orders may be passed by the trial Court on merits.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gms

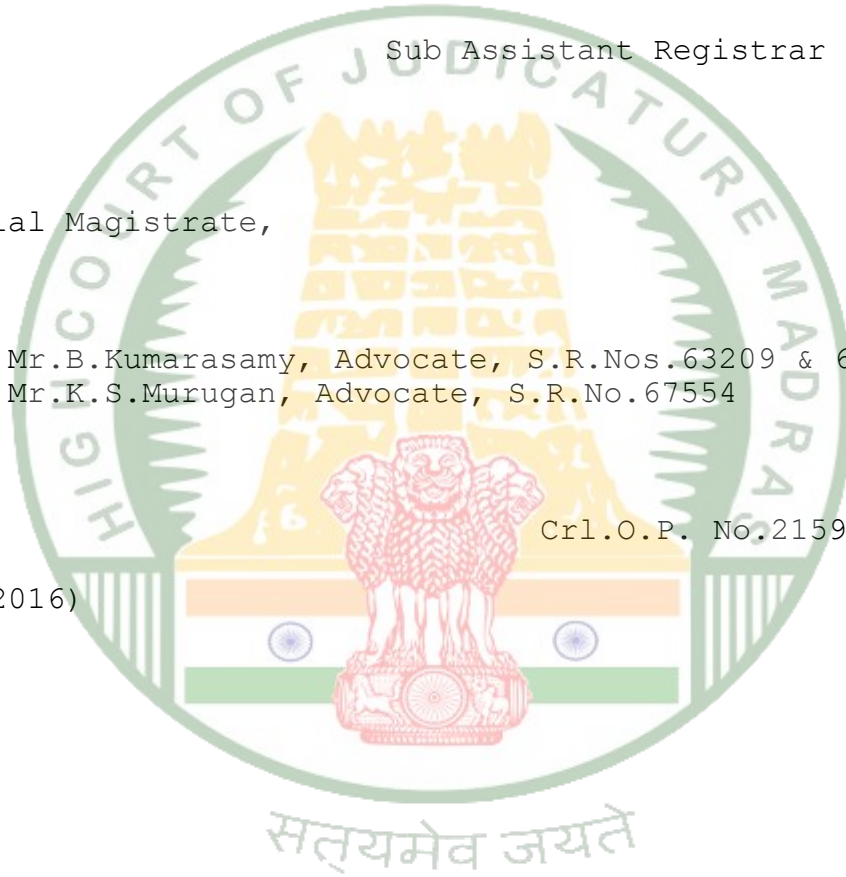
To

The Judicial Magistrate,
Tambaram.

+2cc's to Mr.B.Kumarasamy, Advocate, S.R.Nos.63209 & 63548
+2cc's to Mr.K.S.Murugan, Advocate, S.R.No.67554

RSI (CO)
CA(14/12/2016)

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