

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.9348 of 2016

and

Crl.MP.Nos.4805 and 4806 of 2016

1.Sasikala ...Petitioners

2.Rangasamy

Vs

Shylaja ...Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the case in DVOP No.74 of 2015 on the file of the Additional Mahila Court, Salem and to quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.G.Pugazhendhi

For Respondent : Mr.C.Venkatesan

ORDER

सत्यमेव जयते

This criminal original petition has been filed to call for the records pertaining to the case in DVOP No.74 of 2015 on the file of the Additional Mahila Court, Salem and to quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent.

3. On 01.06.2016, this Court passed the following order:

"Notice of motion returnable by 12.07.2016.
Private notice is also permitted.

2.The petitioners shall ensure that the petitioners' son Madhan deposits a sum of Rs.5,000/- before 5th of every English calendar month to the credit of D.V.O.P.No.74 of 2015 on the file of the learned Additional Mahila Judge, Salem, as ad-interim maintenance, without prejudice to both the parties. On such deposit, the respondent wife is entitled to withdraw the same.

3.For the month of June 2016, the said sum of Rs.5,000/- shall be deposited on or before 29.06.2016.

4.On the aforesaid condition, dispense with is granted to the petitioners. If the deposit is not made, the Trial Court can insist upon the presence of the petitioners.

For reporting compliance, post on 12.07.2016."

4.The matter was posted on 12.07.2016, there was no representation for the petitioners. Today, the matter was posted under the caption "for dismissal".

5.The learned counsel appearing for the petitioners submitted that the petitioners have not complied with the interim order passed by this Court dated 01.06.2016, since their son was not co-operating.

6.On a reading of the complaint in D.V.O.P.No.74 of 2015, there are sufficient averments for the trial to proceed against the petitioners. Hence, the same cannot be quashed. However, as and when, the petitioners file an application before the trial Court for dispensing with their presence, the same may be favourably considered, if the petitioners undertake that their counsel will cross-examine the witnesses in their absence.

In view of the above, the criminal original petition is closed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sms

To

1.The Additional Mahila Court,
Salem .

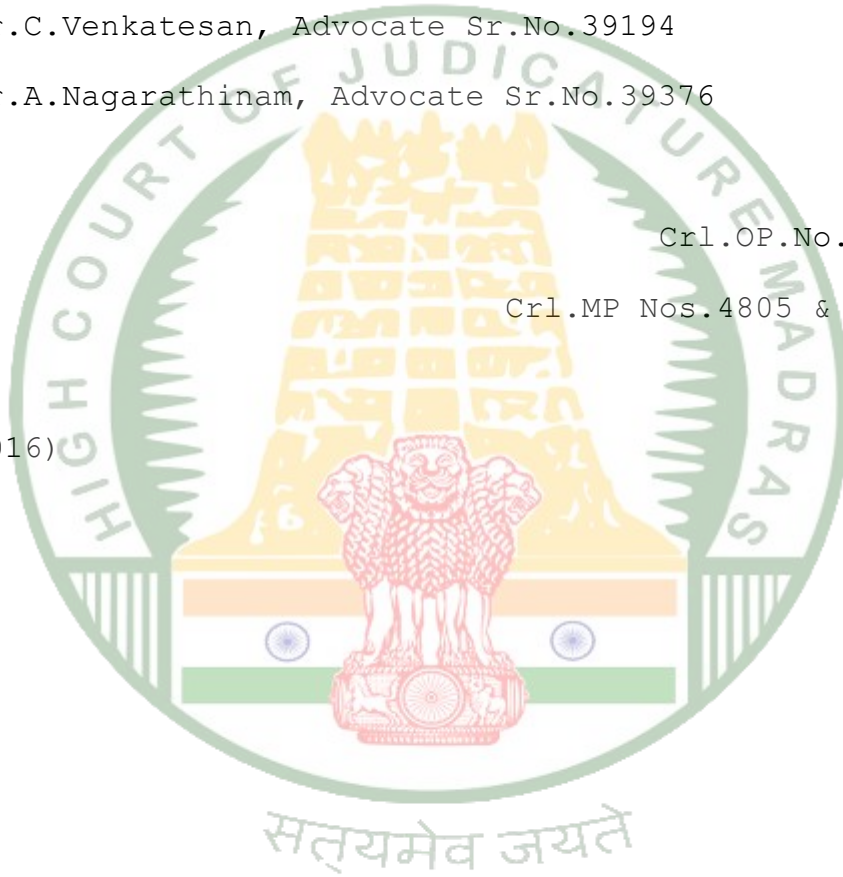
2.The Public Prosecutor,
High Court, Chennai.

+1 CC to Mr.C.Venkatesan, Advocate Sr.No.39194

+1 CC to Mr.A.Nagarathinam, Advocate Sr.No.39376

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UG (CO)
KP (29.07.2016)



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