



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.3493 of 2016

1. Latha

2. Narendran @ Ajith

.. Petitioners

Vs.

1. The Inspector of Police,
Vellisandai Police Station,
Kanyakumari District in
Crime No.55/2015

2. Jabaslin Vinu

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the charge sheet filed in C.C.No.241 of 2015 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District and quash the same so far as the petitioners are concerned.

For Petitioners :: Mr.K.K.Kannan

For Respondent :: Mr.K.V.Rajarajan

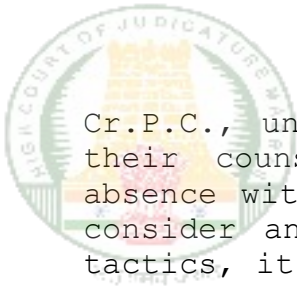
Government Advocate (Cr1. Side)

ORDER

The learned counsel for the petitioners submits that the petitioners have come forward with this petition seeking to quash the proceedings in C.C.No.241 of 2015 on the file of the Judicial Magistrate, Eraniel, Kanyakumari District.

2. On a reading of the final report, there are sufficient materials for the trial to proceed against the petitioners, inasmuch as it is alleged by the de-facto complainant that when she and her mother went to the house of the petitioners, they not only abused her in filthy language, but they have also assaulted her. Hence, this is not a fit case to quash the final report. However, the learned counsel for the petitioners submitted that since the 1st petitioner is a house wife and the 2nd petitioner is a College student, their presence before the trial Court may be dispensed with.

3. Accepting the submission, this Court directs the petitioners to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the petitioners file an application under Section 317



Cr.P.C., undertaking that they will not dispute their identity and that their counsel will cross-examine the prosecution witnesses in their absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the petitioners adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence.

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4. With the above direction, the criminal original petition is dismissed. Consequently connected Miscellaneous Petitions in CrI.M.P.No.1777 of 2016 is closed.

Sd/-
Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Vellisandai Police Station,
Kanyakumari District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.K.K.KANNAN, ADVOCATE IN SR NO. 12793

RR
TE/JGB-DP/ : 22/03/2016 : 2P/4C

CrI. O.P. (MD) No.3493 of 2016
07.03.2016