

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.6182 of 2017

1.Thirugnana Sambandam
2.Poonguzhali

... Petitioners

Vs

1.R.Nandhini
2.The State through Inspector of Police,
B7 Police Station,
Coimbatore.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to proceedings of the non-bailable warrant issued by the Judicial Magistrate No.VI, Coimbatore in CC No.384 of 2015 dated 20.12.2016 and quash the same.

For Petitioners: Mr.S.Conscious Ilango

For R2 : Mr.C.Emalias,
Addl.Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to call for the records relating to the non-bailable warrant issued by the learned Judicial Magistrate No.VI, Coimbatore in CC No.384 of 2015 on 20.12.2016 and quash the same.

2. According to the petitioners, the first respondent / wife has preferred a private complaint against her husband and in-laws, which was taken on file as CC No.384 of 2015 by the learned Judicial Magistrate No.VI, Coimbatore. Subsequently, summons were sent to all the accused, whereas, the same were not served on the petitioners. In such circumstances, the learned Magistrate issued a non-bailable warrant against the petitioners, due to their non-appearance on 20.12.2016. Hence, this petition.

3. Learned counsel for the petitioners submitted that during the relevant point of time, the petitioners were residing away from the matrimonial home of the first respondent and they have in no way connected with the charges framed against them. Learned counsel further submitted that the petitioners were not served with summons, due to which, they could not appear before the trial court on 20.12.2016. As such, their non-appearance before the trial court is neither wilful nor wanton. Therefore, learned counsel prayed for quashing the non-bailable warrant issued against the petitioners.

4. I have also heard the learned Additional Public Prosecutor, who took notice for the second respondent.

5. Considering the facts and circumstances of the case and also taking note of the submissions made on either side, this Court directs the petitioners to appear before the learned Judicial Magistrate No.VI, Coimbatore by filing an application under Section 70(2) Cr.P.C to re-call the warrant issued in CC No.384 of 2015 and on filing of such application, the learned Magistrate shall consider the same and pass appropriate orders on the same day.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1.The Judicial Magistrate No.VI, Coimbatore.

2.The Inspector of Police,
B7 Police Station,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Conscious Ilango, Advocate, S.R.No.19400

Cr1.O.P.No.6182 of 2017

PA(CO)

RS(18/04/2017)