

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM:

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

Crl.O.P. No.12616 of 2018 & Crl.M.P. Nos.6779 & 6780 of 2018

1 A. John Mathew
2 Annamma @ Leelamma

Petitioners

vs.

Beena Menon

Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records in D.V.C. No.10 of 2017 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For petitioners Mr. V. Krishnamoorthy

ORDER

This Criminal Original Petition has been filed seeking to call for the records in D.V.C. No.10 of 2017 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

2 Lessley John, son of the petitioners herein, got married to Beena Menon, the respondent herein, on 23.05.2002 and they have two children. On account of matrimonial discord, the spouses got estranged. The respondent has initiated proceedings in D.V.C. No.10 of 2017 before the XXIII Metropolitan Magistrate Court, Saidapet, Chennai, against her husband and parents-in-law, challenging which, her parents-in-law are before this Court.

3 Heard the learned counsel for the petitioners, who submitted that there are no allegations against the parents-in-law.

4 Yet, on a reading of the petition in D.V.C. No.10 of 2017, it is seen that the respondent has alleged that her husband and parents-in-law are not permitting her to enter into the house and be with her children. In the light of such an allegation, it cannot be stated that there is no prima facie allegation against the petitioners/parents-in-law. Hence, this Criminal Original Petition is liable to be dismissed.

5 However, the petitioners/parents-in-law are directed to

appear before the Trial Court and execute a bond for Rs.5,000/- each without sureties under Section 88 Cr.P.C. undertaking that they will not dispute their identity; that the counsel nominated by them will cross-examine the witnesses without adopting dilatory tactics and that they will appear before the Trial Court whenever required, on intimation to the counsel nominated by them. Thereafter, the presence of the petitioners before the Trial Court is dispensed with, until further orders of the Trial Court.

With the above directions, this Criminal Original Petition stands dismissed. CrI.M.P. No.6779 of 2018 stands closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

cad

To

1 The XXIII Metropolitan Magistrate
Saidapet
Chennai

2 The Public Prosecutor
Madras High Court
Chennai - 600 104

+1 cc to M/s.V.Krishnamoorthy, Advocate SR.NO. 32373

CrI.O.P. No. 12616 of 2018

MP(CO)
JK 11/05/18

सत्यमेव जयते
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