

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.12651 of 2018

and Crl.M.P.Nos.6804 and 6805 of 2018

1.Jarina Begum
2.Mohammed Yusuff Basha
3.Irbana @ Mehabuba ... Petitioners

Vs

A.Sulthanabegham ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records pursuant to the DVA No.1 of 2018 pending on the file of the learned Judicial Magistrate No.VII, Coimbatore and quash the same insofar as the petitioners are concerned by allowing this Criminal Original Petition.

For Petitioners : Mr.K.Murugesan

For Respondent : Mrs.Kritika Kamal, P.

Government Advocate [Crl.Side]

O R D E R

This petition has been filed to call for the entire records pursuant to DVA No.1 of 2018 pending on the file of the learned Judicial Magistrate No.VII, Coimbatore and quash the same insofar as the petitioners are concerned.

2. The respondent got married to Mohammed Sidhiq Basha on 30.04.2015 and their marriage ran into rough weather. It is alleged that Mohammed Sidhiq Basha pronounced triple talaq and divorced the respondent. Hence, the respondent has initiated proceedings in D.V.A.No.1 of 2018 before the Judicial Magistrate No.VII, Coimbatore against her husband and in-laws. This quash application has been filed by the in-laws to quash the proceedings.

3. Heard Mr.K.Murugesan, learned counsel appearing for the petitioners, who submitted that there are no allegations against the petitioners in the quash application. However, on a reading of the complaint in D.V.A.No.1 of 2018, the respondent has made serious allegations against the petitioners and also

her husband. In such view of the matter, this is not a fit case, in which, the proceedings can be quashed. However, learned counsel for the petitioners submitted that the presence of the petitioners before the trial Court may be dispensed with.

4. Accepting his submission, the petitioners are directed to appear before the Trial Court within a period of four weeks from the date of receipt of a copy of this order 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 on the day they are examined-in-chief 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Judicial Magistrate No.VII,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.MURUGESAN, Advocate, S.R.No. 32447

CrI.O.P.No.12651 of 2018

SSI (CO)
TR(14/05/2018)

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