

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.15230 of 2017

and

Crl.MP.Nos.10685, 9583 & 15191 of 2017

1. M.Sathish
2. K.Mamallan
3. M.Rani
4. S.Radhika
5. Suresh

.... Petitioners

Vs.

S.Rekha
W/o. Sathish
Plot No.370B Padmavathi Street
Puzhuthivakkam,
Chennai - 600 091.

... Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C to set aside the order passed by the Judicial Magistrate, Tambaram, Chennai, in CMP.No.4518 of 2017 in D.V.No.32 of 2016 dated 14.07.2017.

For Petitioners : Mr.B.S.Jothiraman

For Respondent : Mr.M.Jaikumar
For M/s.Sekar

ORDER

This Criminal Original Petition has been filed, challenging the order passed by the Court below, dismissing the petition filed by the petitioners, under Section 91 Cr.P.C., to direct the respondent to produce certain documents, which have been listed in the petition.

2. The Court below has dismissed the petition filed by the petitioners, on the ground that since the respondent is denying the availability of the documents and she does not have the copy of the same, the Court cannot direct the respondent to produce those documents.

3. The learned counsel for the petitioners would submit that the Court below has not properly understood the scope of the petition filed by the petitioners. Except for two documents, the

petitioners have sought for summoning the documents, which are the complaint given before the All Women Police Station at Tambaram and also the All Women Police Station at Chengalpattu, and the enquiry conducted in the concerned police station.

4. The counsel further contended that the Court below has not discussed about the issue at all and has proceeded to dismiss the petition.

5. Whatever documents have been sought for from the respondent, which the respondent has denied the availability of the same, the petitioners cannot ask for those documents. Insofar as the documents that are sought to be summoned from the police station, the Court below shall issue subpoena to the concerned police station and shall direct them to produce the relevant documents. The order passed by the Court below is modified to that extent.

6. This Criminal Original Petition is disposed of, with a direction to the Court below to dispose of D.V.No.32 of 2016 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

7. The presence of the petitioners 2 to 5 is dispensed with and they shall be represented by a counsel. The first petitioner shall be present before the Court below, during of hearing dates.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Judicial Magistrate,
Tambaram, Chennai.
2. The Public Prosecutor,
High court, Madras.

+1 cc to M/s.S.Sekar, Advocate Sr.No.81263

+1 cc to M/s.B.S.Jothiraman, Advocate Sr.No.80630

CSL/17.12.2018

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