



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.18498 of 2018

and

Crl.M.P.(MD).Nos. 8243 and 8244 of 2018

1. Cruz Michel

2. Mary Rita Ammal

... Petitioner/Respondents 2&3

Antony Jenitha

Rep.by Power Holder

Rose Mary

... Respondent/Petitioner

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in D.V.O.P.No.06 of 2018 on the file of the learned Judicial Magistrate No.I, Nagercoil and quash the same.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : Mr.A.Robinson

Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.06 of 2018 on the file of the learned Judicial Magistrate No.I, Nagercoil

2. The learned counsel for the petitioner would submit that the petitioners herein are the father -in-law and mother-in-law of the complainant and that they are unnecessarily roped in. He would also submit that divorce petition was filed by the son of the petitioners before the District Court, Nagercoil and divorce has been granted by the District Court.

3.This Court is of the opinion that all these grounds can be raised before the trial court.

4.At this juncture, the learned counsel for the petitioners would submit that the petitioners have been regularly appearing before the trial Court and would pray that the presence of the petitioners before the court may be dispensed with, since they have been unnecessarily roped in.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Accepting the said submission, the presence of the



petitioners before the trial Court shall be dispensed with on condition that they shall be duly and properly represented by a counsel on all hearing dates and that they will make themselves available before the court on the day of passing final orders.

6. The petitioners are further directed to give an undertaking in the form of affidavit that the counsel representing them will cross examine the respondent and complainant and her witnesses on the day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event if their presence is insisted by the trial Judge for the purpose of mediation. If the petitioners adopt any dilatory tactics, it is open to the trial court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in (2001)4 SCC 667.

7. In view of the above, this Criminal Original Petition is closed. Consequently, connected Crl.M.P.(MD)No.8244 of 2018 is ordered in respect of the petitioners and Crl.M.P.(MD)No.8243 of 2018 is closed.

Sd/-
Assistant Registrar(cs-II)

/True Copy/

Sub Assistant Registrar(cs-IV)

To:

The Judicial Magistrate No.I,
Nagercoil

+1cc to Mr.K.P.Narayanakumar Advocate in SR.No.97473

Crl.O.P.(MD).No.18498 of 2018
and
Crl.M.P.(MD).Nos. 8243 and 8244 of 2018
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