



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)No.21382 of 2018

and Crl.M.P.(MD)Nos.9898 & 9899 of 2018

WEB COPY

1.Shanmugam Pillai
2.Maruthambal
3.Poongavanam
4.Nagalakshmi

: Petitioners

Vs.

1. The State rep
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.

2. Muthumari

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the C.C.No.202 of 2016 on the file of the Additional District Munsif Cum Judicial Magistrate Court, Manamadurai, and quash the same.

For Petitioners : Mr.S.Bharathi

For R1 : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.202 of 2016 on the file of the Additional District Munsif Cum Judicial Magistrate Court, Manamadurai.

2.The learned counsel appearing for the petitioner would submit that during the enquiry conducted by the Social Welfare Officer, the first accused/husband and the second respondent/complainant had agreed to live together, peacefully without causing disturbance to anybody. He would further submit that there is dispute between the third respondent and the second respondent and that in order to grab the properties belonging to the first and second petitioner, the first accused/husband has instigated the second respondent to file this complaint and the petitioners are being unnecessarily harassed.

3.This Court is of the view that all the grounds can be raised before the trial Court. At this juncture, the learned counsel appearing for the petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with.

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

4.Accepting the said submission, the presence of the



petitioners before the trial Court shall be dispensed with on condition that they shall be present at the time of receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment.

5. The petitioners are further directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the prosecution witnesses on the day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial 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**.

6. Accordingly, this Criminal Original Petition stands closed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Additional District Munsif
Cum Judicial Magistrate Court,
Manamadurai
2. The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Bharathi, Advocate Sr.No.98509

GNS

KM/SV/SAR1/27.12.2018/2P/5C

Cr1.O.P. (MD) No.21382 of 2018
04.12.2018