



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE **A.D. JAGADISH CHANDIRA**

Crl.O.P.(MD).No.5355 of 2018

and

Crl.M.P(MD) Nos.2592, 2593 and 10212 of 2018

WEB COPY

1.Gajendran
2.Jaya
3.Ramkumar
4.Radhika

... Petitioners/Respondents

Vs.

N.Saranya

..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 to D.V.No.4 of 2017 pending on the file of the Judicial Magistrate, Manamadurai, Sivagangai District and quash the same as illegal.

For Petitioners: Mr.G.Karuppasamy Pandiyan

For Respondent : Mr.N.Kamalajayanthi

O R D E R

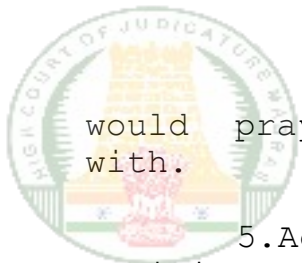
This petition is filed to quash the proceedings in D.V.No.4 of 2017 on the file of the learned Judicial Magistrate, Manamadurai, Sivagangai District.

2.The learned counsel for the petitioners would submit that the first petitioner is the father-in-law, the second petitioner is the mother-in-law of the respondent. The third petitioner is the son of the first petitioner and brother of the respondent's husband. The fourth petitioner is the wife of the third petitioner. He would further submit that as per the complaint, the petitioners are living in separate household and as such there is no domestic relationship between the petitioners and the respondent as per Section 2 (f) of the Domestic Violence Act. The petitioners have been unnecessarily roped in the domestic proceedings, which is pending before the learned Judicial Magistrate, Manamadurai, Sivagangai District . He would further submit that the husband of the respondent has not filed any petition before this Court and the petitioners are relatives of the respondent's husband.

3.This Court finds that all the grounds can be raised before the trial Court.

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

4.At this juncture, the learned counsel for the petitioners



would pray that the presence of these petitioners may be dispensed with.

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 complainant and her witnesses on the day they are examined in chief. 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 miscellaneous petitions are closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judicial Magistrate,
Manamadurai, Sivagangai District

2. The Chief Judicial Magistrate, Sivagangai District.

+1cc to Mr.N.Kamalajayanthi, Advocate Sr.No.101087

+1cc to Mr.G.Karuppasamy Pandiyan, Advocate Sr.No.101236

TA

KM/BK/SAR3/24.12.2018/2P/5C

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