



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.9571 of 2017
and
CRLMP(MD)No.6532 of 2017

1.Fareen

2.Anitha

3.Selva Lakshmi

4.Dhanasekar

5.Ganesh Kumar

6.Samraj

... Petitioners

Vs.

1.State represented by
Inspector of Police,
All Women Police Station,
Tiruchendur, Tuticorin District.
(Crime No.9 of 2009)

2.Asupathi

...respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the FIR in C.C.No.171 of 2010 on the file of the Judicial Magistrate, Tiruchendur and quash the same as illegal as against the petitioners.

For Petitioner : Mr.N.Anandakumar
For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor

ORDER

This petition has been filed to quash the FIR in C.C.No.171 of 2010 on the file of the Judicial Magistrate, Tiruchendur.

2.When this Court was about to dismiss the Criminal Original Petition on merits, the learned Counsel for the petitioners sought permission of this Court to withdraw the same and he has also made an endorsement to that effect.



3. At this juncture, the learned Counsel for the petitioners submitted that the presence of the petitioners before the Trial Court may be dispensed with.

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 questioning under Section 313 of CrPC 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. If the petitioners adopt 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 JT 2001(4) SC 319.

5. The criminal original petition is dismissed as withdrawn. Consequently, CRL(MD)No 6532 of 2017 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate,
Tiruchendur.

2. The Inspector of Police,
All Women Police Station,
Tiruchendur,
Tuticorin District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.V.Malaiyandran Advocate in Sr.No.79227.

Dsk

DS SKN SAR-4 ;28.08.2018; 2P/5C

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