



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRL.OP. (MD) No.12153 of 2018

and

CRL.MP. (MD) Nos.5514 & 5515 of 2018

WEB COPY

1.Thangaiyan

2.Kamalam

... Petitioners

Vs.

1. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Cr.No.163 of 2017)

2.Thangaraj

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in P.R.C.No.13 of 2018, on the file of District Munsif cum Judicial Magistrate Court, Eraniel and to quash the same as against the petitioners.

For Petitioners : Mr.S.C.Herold Singh
For R.1 : Mr.Prabu Ramachandran
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed to call for the records in P.R.C.No.13 of 2018, on the file of the learned District Munsif cum Judicial Magistrate, Eraniel and quash the same, insofar as the petitioners are concerned.

2. After elaborately hearing the learned Counsel on either side, this Court is about to dismiss this criminal original petition on merits. At this juncture, the learned Counsel for the petitioners submitted that it would suffice if a direction is issued to the learned District Munsif cum Judicial Magistrate, Eraniel for early disposal of the proceedings in P.R.C.No.13 of 2018.

3. The learned Government Advocate (Crl. Side) would submit that the first respondent will also co-operate for the trial.

4. In view of the submission made by the learned Counsel on either side, this Court, without expressing any opinion on the merits of the matter, directs the learned District Munsif cum



Judicial Magistrate, Eraniel, to dispose of P.R.C.No.13 of 2018, as expeditiously as possible, preferably within a period of eight months from the date of receipt of a copy of this order.

5. At this juncture, the learned Counsel for the petitioners would submit that the petitioners are the parents of the accused, who have been falsely implicated in this case and therefore, he prays for dispensing with their personal appearance before the Court below.

6. Taking into consideration the above fact and also in the light of the decision of the Hon'ble Supreme Court in **Rajeshsarma & others v. State of U.P., and others**, reported in **2017 AIR (Criminal) 796**, the personal appearance of the petitioners before the District Munsif cum Judicial Magistrate Court, Eraniel, in P.R.C.No.13 of 2018, is dispensed with. However, the petitioners shall appear before the Court below, as and when, the Court insist upon their appearance.

7. With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The District Munsif cum Judicial Magistrate,
Eraniel.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.C.Herold Singh, Advocate SR.No.73927

Gk

MK/SKN RSK/SAR 3/02.08.2018/2P/4C

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