



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.(MD).No.13555 of 2018

and

CrI.M.P(MD) Nos.6119 and 6120 of 2018

WEB COPY

1. Jayarajakani
2. C.K.Tamilselvan
3. Devi
4. C.Sriram

... Petitioners

Vs.

Nisha Nanthini

..Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to DVOP No. 05 of 2018 pending on the file of the Judicial Magistrate, Valliyoor, Tirunelveli and quash the same as against these petitioners .

For Petitioners: Mr.R.Narendran

For Respondent : No appearance

ORDER

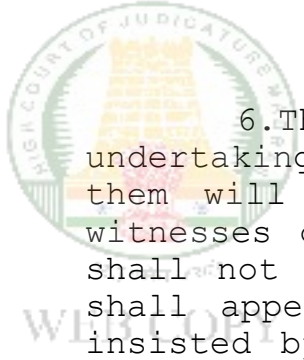
This petition is filed to quash the proceedings in DVOP No. 05 of 2018 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli.

2.The learned counsel for the petitioner would submit that petitioner herein are in-laws and that they are not living in the domestic relationship as per section 2(f) of the said Act. He would also submit that the petitioners are in-laws and they are living separately at Chennai and they have been unnecessarily roped in and they have been unnecessarily harassed.

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 pray that the presence of the petitioners before the court may be dispensed with, since they have been unnecessarily roped in.

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 CrI.M.P.(MD)No.6120 of 2018 is ordered in respect of the petitioners and CrI.M.P.(MD)No.6119 of 2018 is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Judicial Magistrate,
Valliyoora, Tirunelveli.

+1CC to Mr.R.Narendran, Advocate, SR.No.97429

CrI.O.P.(MD) .No.13555 of 2018
and
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AAV
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