



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.(MD).No.20120 of 2018

and

Cr1.M.P.(MD)Nos.9294 & 9295 of 2018

- 1.Vasanthakumar
- 2.Kannaki
- 3.Rengan @ Rengarajan
- 4.Kalitchi

... Petitioners /Accused Nos.1 to 4

Vs.

1. The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
(Crime No.8 of 2016)

...1st Respondent/Complainant

- 2.Packiyalakshmi

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in C.C.No.285 of 2016, on the file of the Learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District and quash the same.

For Petitioners

: Mr.S.Muniyandi

For R1

: Mr.R.Anandharaj

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.285 of 2016, on the file of the Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District.

2.Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the first respondent.

3.This Court does not find any ground to interfere with the proceedings, pending before the Court below and accordingly, this Criminal Original Petition stands closed.

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



5. Accepting the said submission, the presence of the petitioners 2 to 4 before the trial Court shall be dispensed with on condition that they shall be present for receiving charge sheet, for initial questioning and for answering the charges, at the time of questioning under Section 313 of Cr.P.C. and passing judgment. The first accused/husband of the defacto complainant is to appear before the learned Judicial Magistrate No.II, Srivilliputhur on all hearing dates.

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 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 Mediation. 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 **2001 (4) SCC 667**. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Judicial Magistrate No.II,
Srivilliputhur, Virudhunagar District
2. The Chief Judicial Magistrate,
Virudhunagar District.

Copy to:

The Section Officer,
Criminal Section, (2 Copies)
Madurai Bench of Madras High Court,
Madurai.

+1 cc TO Mr.S.Muniyandi, ADVOCATE IN SR NO.98387
am
MK/KK/PM/SAR 4/08.01.2019/2P/6C

CrI.O.P. (MD) .No.20120 of 2018
03.12.2018