



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Cr1.O.P. (MD) .No.20545 of 2018

and

Cr1.M.P. (MD) .Nos.9488 and 9489 of 2018

WEB COPY

1.Murugaiyapillai
2.Neelavathi
3.Govindaraj
4.Kalaivani

... Petitioners/Respondents 2 to 5

Vs.

Parimala

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to quash the D.V.C.No.4 of 2018, on the file of the Judicial Magistrate No.III, Thanjavur.

For Petitioners : Mr.A.Arun Prasad

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.C.No.4 of 2018, on the file of the Judicial Magistrate No.III, Thanjavur.

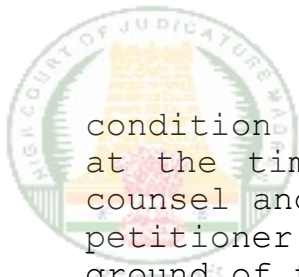
2.The learned counsel appearing for the petitioners would submit that the petitioners are the respondents 2 to 5 in D.V.C.No.4 of 2018, pending on the file of the learned Judicial Magistrate No.III, Thanjavur. He would further submit that the petitioners 1 & 2 are the in-laws of the respondent and the petitioners 3 & 4 are the relatives of the respondent's husband. A perusal of the complaint, there is absolutely no material to show that the petitioners had domestic relationship with the respondent/complainant. He would further submit that the petitioner's have not lived together in a shared household at any point of time.

3.This Court is of the opinion that the grounds raised by the petitioners are matters for evidence and can be raised before the concerned Court during enquiry.

4. At this juncture, the learned counsel for the petitioner submitted that the petitioners have been unnecessarily dragged and that the presence of the petitioners may be dispensed with before the trial Court.

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

5. Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on



condition that the petitioners shall appear before the trial Court at the time of judgment alone. The petitioners shall engage the counsel and conduct the trial. The counsel, who is appearing for the petitioner before the trial Court, shall not take adjournment on the ground of the absence of the petitioner.

WEB COPY

6. The petitioner is further directed to give an undertaking in the form of affidavit that the Counsel representing him will cross examine the respondent and her witnesses on the day when examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial Judge for the purpose of identification. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner 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**.

7. This Criminal Original Petition stands dismissed as withdrawn. However, since the case is of the year 2018, there shall be a direction to the learned Judicial Magistrate No.III, Thanjavur to dispose the case as expeditiously as possible preferably within a period of nine months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Judicial Magistrate No.III,
Thanjavur.

+1cc to Mr.A.Arun Prasad, Advocate Sr.No.95883

AM

KM/RSK/SAR4/21.12.2018/2P/3C

Cr1.O.P. (MD) .No.20545 of 2018
19.11.2018