



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Cr1.O.P.(MD).No. 20746 of 2018

and

Cr1.M.P.(MD)Nos.9592 &9593 of 2018

1.Rajathi

2.Perumal

.. Petitioners/Respondents 4 &5

Vs.

Thanaselvi

.. Respondent / complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records of the complaint in D.V.O.P.No.6 of 2016 before the Judicial Magistrate Court No.II, Sivagangai and quash the same by allowing the Criminal Original Petition as against these petitioners.

For Petitioners

: Mr.C.Vetrian

O R D E R

This petition has been filed seeking to quash the proceedings in D.V.O.P.No.6 of 2016, pending on the file of the Judicial Magistrate Court No.II, Sivagangai.

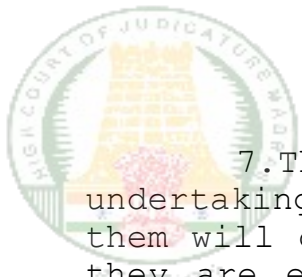
2.Heard learned counsel for the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are cousins of the husband of the complainant namely Venugopal, who is arrayed as first respondent in the D.V.O.P. Proceedings. He would further submit that the petitioners have no point of time shared a common house hold, thereby, amounting to have had Domestic relationship with the respondent/ complainant. He would also submit that all the allegations made against them do not make out ingredients of Domestic Violence.

4.All these grounds raised by the petitioners are matter for evidence. 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.

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

6.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 they shall appear on the date of passing final order.



7. The petitioners are further directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the complement 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(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Judicial Magistrate Court No.II,
Sivagangai.

+1cc to Mr.C.Vetrian ,Advocate Sr.No.21988

LS

KM/PM/SAR2/20.12.2018/2P/3C

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