



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. OP (MD)No.20298 of 2013
and
MP(MD)Nos.1 & 2 of 2013

1.M.Duraisamy

2.P.Shanthi

3.Perumal

4.Tamilarasi

5.Palanivelu

6.Chandrasamy

7.Packiyam

8.Subramani

9.Pappathi

... Petitioners

Vs.

Eraniyammal

... Respondent

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for records relating to the case in D.V.No.07/2012 on the file of the Judicial Magistrate No.I, Kulithalai and quash all further proceedings against the petitioners.

For Petitioners : Mr.D.Shanmugaraja Sethupathi
For Respondent : No appearance

ORDER

The petitioners have filed this Criminal Original Petition for quashing the proceedings in D.V.No.07/2012 on the file of the Judicial Magistrate No.I, Kulithalai. Though the respondent/complainant has been served and her name has been printed in the cause list, she has not chosen to entered appearance through counsel or in person. It is seen that the first petitioner is the



husband while the second petitioner is the second wife of the first petitioner. As regards the other petitioners they are only relatives of the second petitioner and they had at no point of time shared the matrimonial household.

2. This Court is therefore of the view that allowing the impugned proceedings against the petitioners 3 to 9 can only amount to abuse of legal process. In this view of the matter, the impugned proceedings stand quashed insofar as the petitioners 3 to 9 are concerned. The petitioners 1 and 2 herein shall face the impugned prosecution. This Court directs that the trial magistrate shall insist on the appearance of the petitioners 1 and 2 herein only for answering the charges and at the time of examination of witnesses under Section 313 of Cr.PC and at the time of pronouncing judgement. Except the aforesaid occasions, on other hearing dates the petitioners 1 and 2 can be permitted to be represented through counsel.

3. Accordingly, this petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Judicial Magistrate, No.1,
Kulithalai.

+1CC to Mr.D.Shanmugaraja Sethupathi, Advocate in SR.No.63841.

SKM

DS/RP/SAR-3 : 01.08.2018: 2P/3C

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