

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 22.07.2019  
CORAM  
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH  
Crl.O.P No.17795 of 2019  
and  
Crl.M.P.Nos.8973, 8974 of 2019

1. Dr.M.M Sheik Dawood  
2. S.A.Mohamooda Dawood  
3. M.S.Fawzia Benazir

... Petitioners

vs.

M.Mohabu Nizha

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the proceedings in C.C No.82 of 2011 on the file of the Judicial Magistrate at Madurantakam and quash the same.

For Petitioner : Mr.P.Suresh

ORDER

This petition has been filed seeking to quash the proceedings in C.C No.82 of 2011, pending on the file of the Judicial Magistrate, Madurantakam.

2. The learned counsel for the petitioners submitted that the case has been pending from the year 2011 onwards and till today, it has not even crossed the stage of cross examination of PW1. The learned counsel submitted that the respondent is not appearing before the Court below and the case is being adjourned from time to time. In order to substantiate his submissions, the learned counsel for the petitioners also submitted the proceedings of the Court below. It is seen from the proceedings that the case is still at the stage of evidence.

3. This Court does not want to interfere with the proceedings at this stage. That apart, the case is already at the stage of cross examination of PW1. Under such circumstances, it would be better, if time limit is fixed for the completion of the proceedings. It will be left open to the petitioners to raise all the grounds before the Court below and the Court below shall consider the same on merits and in accordance with law.

4. The learned counsel for the petitioners submitted that the presence of the petitioners may be dispensed with and he submitted that the 1<sup>st</sup> and 2<sup>nd</sup> petitioners are aged persons and 3<sup>rd</sup> petitioner is a woman.

5. Taking into consideration the facts and circumstances of the case, the presence of the petitioners is dispensed with before the Court below and they shall be represented by a counsel. The Counsel representing the petitioners before the Court below, shall cross examine the witness on the same day, they are examined in chief. The petitioners shall appear as and when required, before the Court below during the important dates of hearing.

6. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings within a period of two months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

uma

To

The Judicial Magistrate,  
Madurantakam.

+1cc to Mr.P.Suresh, Advocate sr.62263

Crl.O.P No.17795 of 2019

and

Crl.M.P.Nos.8973 and 8974 of 2019

nr 20/08/2019

WEB COPY