

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.19257 of 2019

1.Udhayakumar
2.Pichandi
3.Vasantha
4.Rajesh
5.Kavitha

Petitioners

Vs.

1.Suganya
2.Minor Hesma
(Rep. by natural guardian
Mother Suganya)

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to DVC.No.19 of 2016 on the file of the Judicial Magistrate Court, Gudiyatham, Vellore District and quash the same.

For Petitioner : M/s.M.Jagadeesan

ORDER

This petition has been filed to call for the records relating to DVC.No.19 of 2016 on the file of the Judicial Magistrate Court, Gudiyatham, Vellore District and quash the same.

2. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel for the petitioner submitted that the presence of the petitioners may be dispensed with and they may be permitted to represent by a counsel.

4. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners 2 to 5 are dispensed with before the Court below and they shall be represented by a counsel. The first petitioner shall be present before the Court at the time of hearing.

5. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in DVC.No.19 of 2016, on the file of the Judicial Magistrate Court, Gudiyatham, Vellore District, within a period of three months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Gudiyatham, Vellore District.

2. The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.M.Jegadeesan, Advocate Sr.No. 61831

AKM/ 27.08.19/ 2P- 4C /

Crl.O.P No.19257 of 2019

WEB COPY