



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD).No.9225 of 2019

and

Crl.M.P.(MD).Nos.5879 & 5880 of 2019

1.Nagarajan
2.Lakshmi @ Petchiammal
3.Rani
4.Jansirani
5.Uma Maheswari : Petitioners/Accused Nos.1 to 5

Vs.

1.The State represented by
The Inspector of Police,
Singampunari Town Police Station,
Sivagangai District.
(Crime No.177 of 2014) : 1st Respondent/Complainant

2.Selvam : 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code to call for the records of the learned Judicial Magistrate, Thiruppathur, in C.C.No.95 of 2018 and quash the same as against the petitioners.

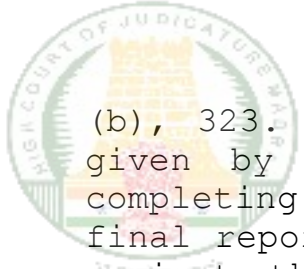
For Petitioner : Mr.S.Deenadhayalan

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to quash the criminal proceedings in C.C.No.95 of 2018, on the file of the learned Judicial Magistrate, Thiruppathur.

<https://hcservices.courts.mdy.in/hcservices/>
2. The petitioner are arrayed as accused Nos.1 to 5 in Crime No.177 of 2014 registered for the offences under Sections 147, 294



(b), 323. 379 (NH) and 506(ii) of I.P.C., based on the complaint given by the second respondent / de-facto complainant. After completing the investigation, the first respondent has filed a final report before the learned Judicial Magistrate, Thiruppathur, against the petitioners and the same was taken cognizance and pending in C.C.No.95 of 2018. Now, to quash the same, the present petition has been filed.

3. Today, when the matter was taken up for hearing, the learned Government Advocate (Crl. side) appearing for the State, on instructions, submitted that already the trial in this case has been commenced by the learned Judicial Magistrate and the matter is posted for appearance of the accused.

4. At this juncture, the learned counsel appearing for the petitioners submitted that the petitioners 2 to 5 are the mother and sisters of Accused No.1. He further submitted that Accused Nos.2 to 5 are living separately and they are women and they are not in a position to appear before the Trial Court regularly. Hence, the appearance of Accused Nos.2 to 5 before the Trial court may be dispensed with.

5. Considering the facts and circumstances of the case and also considering the fact that since the matter is posted for appearance of the accused, this Court is not inclined to dispense with personal appearance of all the accused before the trial Court. It is for the trial Judge to consider whether the appearance of the petitioners is required or not. If the petitioners have any inconvenience, it is always open to them, to file a necessary application before the concerned trial Court and if any such application is filed, it is for the trial Judge to pass suitable orders. Since the matter is posted for appearance of the accused, the learned Judicial Magistrate, Thiruppathur, is directed to proceed with the trial and complete the same within a period of three months from the date of receipt of a copy of this order.

6. In view of the submission made by the learned Government Advocate (Crl. side), the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Judicial Magistrate,
Thiruppathur.

2.The Inspector of Police,
Singampunari Town Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.DEENADHAYALAN, Advocate SR-73401.

Order made in
CRL.O.P. (MD) .No. 9225 of 2019

Dated:
02.07.2019

CS (25.07.2019) 3P 5C