



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.(MD)No.1466 of 2017
& Crl.M.P.(MD)No.1219 of 2017

1.Surendranath
2.M.Sundramoorthi
3.S.Geetha
4.R.Pushparaj
5.R.Sumathi ... Petitioners

Versus

1.Ponmani
2.The Protection Officer,
District Social Welfare Office,
Theni,
Theni District. ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case in D.V.A.C.No.3 of 2016, on the file of the Judicial Magistrate Court, Periyakulam, Theni District, and quash the same.

For Petitioners : Mr.R.Anand

For R1 : Mr.R.Shankar Ganesh

For R2 : Mr.K.Suyambulinga Bharathi
Government Advocate
(Criminal side)

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in D.V.A.C.No.3 of 2016, on the file of the Judicial Magistrate Court, Periyakulam, Theni District.

2.The learned counsel appearing for the first respondent/complainant submitted that already the trial has commenced and P.W.1 has been examined and therefore, at this stage, proceedings in D.V.A.C.No.3 of 2016 cannot be quashed and hence, he prayed for dismissal of the Criminal Original Petition.

<https://hcservices.gov.in/hcservices/> the above said submission made by the learned counsel appearing for the first respondent that already the trial has commenced and P.W.1 has been examined, this Criminal Original



Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

4. At this juncture, the learned counsel appearing for the petitioners submitted that the father-in-law of the first respondent/complainant is aged about 72 years and he is not in a position to appear before the Court and therefore, his personal appearance may be dispensed with.

5. Considering the above said submission made by the learned counsel appearing for the petitioners, the second petitioner is directed to file a petition before the trial Court seeking to dispense with his personal appearance. On filing of such petition, the learned trial Judge is directed to consider the same sympathetically and pass necessary orders. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate,
Periyakulam,
Theni District.

2. The Protection Officer,
District Social Welfare Office,
Theni,
Theni District.

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

+1cc to M/S. R.SHANKAR GANESH, Advocate, Sr.No.68620

Cr1.O.P. (MD) No.1466 of 2017
13.06.2019

BUC (27/06/2019) 2P/5C