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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.8244 of 2019
and
Crl.M.P.(MD).Nos.5144 and 5145 of 2019

1.Arun
2.Kannan
3.Poongothai
4.Priyadharshni .. Petitioners/Accused

Vs.

1. The Inspector of Police,
   Tiruverumbur All Women Police Station,
   Trichy.
   (Crime No.6 of 2018)

2. Komala .. Respondents/Complainants

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.191 of 2018 on the file of the Judicial Magistrate Additional Mahila Court, Trichy and may quash the same.

For Petitioners : Mr.K.P.Narayanakumar
For 1st Respondent: Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the proceedings in C.C.No.191 of 2018 on the file of the Judicial Magistrate Additional Mahila Court, Trichy.

2.The learned counsel appearing for the petitioners would submit that the first petitioner is the husband of the second respondent and the other petitioners are in-laws of the second respondent. Due to matrimonial dispute, a false case has been foisted against the petitioners. He would further submit that the petitioners are innocent persons and they have been falsely

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implicated in this case. The respondent police conducted the investigation in a mechanical manner and filed the charge sheet as against the petitioners and hence, sought for quashment of the proceedings.

3.The learned Additional Public Prosecutor appearing for the first respondent police would submit that trial has been commenced in C.C.No.191 of 2018 and L.W.1 and L.W.2 have been examined as P.W.1 and P.W.2 and the case has been posted for examination of L.Ws.3 and 4 on 19.12.2019 and hence, he prayed for dismissal of the petition.

4.This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

5. At this juncture, the learned counsel appearing for the petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with.

6.Accepting the said submission, the presence of the petitioners 2 to 4 before the trial Court shall be dispensed with on condition that they shall be present on the date fixed for questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

7.The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the trial Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in ***2001 (4) SCC 667.***

8.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

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Sub Assistant Registrar(CS)

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To:

1. The Judicial Magistrate Additional
   Mahila Court,
   Trichy.

2. The Inspector of Police,
   Tiruverumbur All Women Police Station,
   Trichy.

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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-104798[F] dated 13/12/2019)

VSG
TE : 07/01/2020 : 3P/5C

Crl.O.P.(MD).No.8244 of 2019 and
Crl.M.P.(MD).Nos.5144 and 5145 of 2019
11.12.2019

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