



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CRL.O.P. (MD)No.14981 of 2015 and

M.P. (MD)No.1 & 2 of 2015

WEB COPY

1. Bala Subramanian
2. Saraswathi

... Petitioners/Accused Nos.1 and 2

Vs.

1. The State rep. by,
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
(Crime No.10 of 2013)

... Respondent/Complainant

2. Subbu Lakshmi

... Respondent/Defacto Complainant

PRAYER : Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case in C.C.No.133 of 2015 on the file of the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District and quash the same.

For Petitioners : Mr.R.Anand
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).
For R-2 : No appearance.

ORDER

The petitioners are facing trial in C.C.No.133 of 2015 on the file of the Judicial Magistrate No.I, Sivagangai. The second respondent is the defacto complainant. Alleging commission of cruelty, she lodged a complaint before the first respondent leading to registration Crime No.10 of 2013. It was investigated and final report was filed for the offences under Sections 498(A) of I.P.C. The case was taken on file and cognizance of the aforesaid offence was taken.

2. The first petitioner is the husband and the second petitioner is the mother-in-law. The grounds urged by the petitioners' counsel are not sufficient for quashing the impugned proceedings as they are factual in nature and it has to be established only in a regular trial before the Court below. Therefore, leaving open all the defences and the contentions of the petitioners, the criminal original petition stands dismissed.

3. However, taking note of the facts and circumstances of this case, the personal appearance of the petitioners before the Court



below is dispensed with.

4. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.I,
Sivagangai, Sivagangai District.
2. The Inspector of Police,
All Women Police Station,
Sivagangai, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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SMA/05/06/2020/2P/4C