



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.15191 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

1.Selva Kumar

2.Muthu Lakshmi

... Petitioners/Accused 1 & 2

Vs

1.The State represented by,
The Inspector of Police,
All Women Police Station,
Tenkasi,
Tirunelveli District.

...Respondent/Complainant

2.Bhuvaneswari

... Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire records pertaining to the case in C.C.No.37 of 2015 on the file of the learned Judicial Magistrate, Tenkasi, Tirunelveli District and quash the same.

For Petitioners : Mr.R.Anand

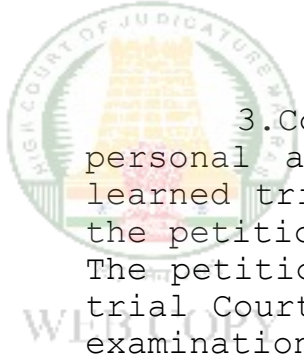
For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : Mr.D.Venkatesh

ORDER

The petitioner is facing trial in C.C.No.37 of 2015 on the file of the Judicial Magistrate, Tenkasi, for the offences under Sections 294(b), 406 and 498(A) of IPC.

2. The second respondent herein is the defacto complainant. The first petitioner herein is the husband, while the second petitioner is the mother-in-law. The grounds urged by the learned counsel appearing for the petitioners are not sufficient for invoking the inherent powers of this Court. The petitioners will have to necessarily establish their innocence before the Court below in a regular trial. Therefore, leaving open all the contentions and defences, this criminal original petitions stands dismissed.



3. Considering the facts and circumstances of the case, the personal appearance of the petitioners are dispensed with. 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. It is made clear that this Court has not gone into the merits of the matter. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
All Women Police Station,
Tenkasi,
Tirunelveli District.

2.The Judicial Magistrate, Tenkasi,
Tirunelveli District.

+1 CC to M/s.D. VENKATESH, Advocate (SR-100062[F] dated
21/11/2019)

Cr1.O.P (MD) No.15191 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015
20.11.2019

AP(02/06/2020) 2P 4C