



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

CrI.O.P(MD).No.15425 of 2015

and

MP(MD)Nos.1 and 2 of 2015

WEB COPY

1.Tamil Selvei
2.Y.John Kennady
3.Mariassoosai

... Petitioners/Accused No.1 to 3

Vs

Rev.Father Mr.A.Joseph Victor,
S/o.Arulmarinathan,
Founder and Director,
Deiveega Gunamalikkum Yesu Sabai,
Divine Heeler Nagar,
Dindigul Taluk,
Dindigul District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to the Private Complaint in C.C.No.57 of 2014, on the file of the learned Judicial Magistrate No.III, Dindigul and quash the same as illegal.

For Petitioners : Mr.Karthick Subramanian

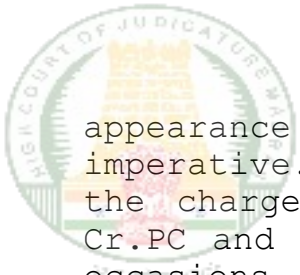
For Respondent : Mr.J.Anandkumar

ORDER

The petitioners are figuring as accused in C.C.No.57 of 2014, on the file of the learned Judicial Magistrate No.III, Dindigul. It is a private complaint instituted by the respondent herein against the petitioners for the offences punishable under Sections 201, 294 (b), 296, 298, 341, 447, 500 and 506(ii) of IPC. To quash the same, this Criminal Original Petition has been filed.

2.I carefully considered the contentions urged by the petitioners' counsel. They are rather factual in nature and the petitioners will have to necessarily establish their innocence only before the Court below in a regular trial. No case has been made out for invoking the inherent powers of this Court. Hence, this Criminal Original Petition is dismissed. It is made clear that this Court has not gone into the merits of the matter.

3.Taking into the facts and circumstances, the personal appearance of the petitioners before the Court below shall stand dispensed with. The Trial Judge shall not insist on the personal



appearance of the petitioners unless it is absolutely necessary or imperative. The petitioners shall of course be present to answer the charges and at the time of examination under Section 313 of Cr.PC and at the time of pronouncing judgment. Except these three occasions, on other hearing dates the petitioners can be represented through counsel. If the petitioners' counsel is also not present before the court below, the benefit of dispensing the personal appearance of the petitioners will stand automatically vacated. All the contentions and defences of the petitioners are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.III, Dindigul.

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

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-103194[F] dated 03/12/2019)

+1 CC to M/s.S.KARTHIK, Advocate (SR-103026[F] dated 02/12/2019)

Crl.O.P(MD). No.15425 of 2015
02.12.2019

sjj

SDS (02.06.2020) 2P-5C