



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM

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

Crl.O.P.(MD)No.23076 of 2015

and

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

1. Sundarasu

2. Aalpadi

(in so far as the accused No.1 Arjunan,  
S/o.Sundarasu and Accused No.2,  
Pathinettampadiyar, S/o.Sandarasu are  
concerned, the case was split up and  
has been tried in separate C.C.No.1  
of 2012 on the file of  
the Judicial Magistrate, Ilaiyankudi.)

... Petitioners/  
Accused Nos.1 and 2

Vs.

Pappa

... Respondent/Complainant

**Prayer:** Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the proceedings in connection with C.C.No.20 of 2011 on the file of the Judicial Magistrate, Ilaiyankudi, Sivagangai District and quash the same.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.K.Gokul

### **O R D E R**

The petitioners are the in-laws of the respondent. The respondent filed C.C.No.20 of 2011 before the Judicial Magistrate, Ilaiyankudi. The Court below passed some orders in her favour. Alleging that those orders were not complied with, she filed a petition under Section 31 of the Central Act 43 of 2005 for prosecuting the petitioners herein. The respondent's husband is said to be absconding and hence, Non Bailable Warrant was issued and the case has been split up.



2. The petitioner's counsel would contend that the petitioners have handed over the key of the house and that it is the respondent who had refused to take the same. The key is presently in the custody of the Court below.

WEB COPY

3. If that be so, the Court below can take a decision in the matter. The contentions of the petitioners' counsel are rather factual in nature and therefore the Court below will have to decide the issue as to whether the petitioners have in any manner breached the order passed earlier in C.C.No.20 of 2011.

4. Leaving open all the contentions of the petitioners' counsel, the criminal original petition stands dismissed. However, the personal appearance of the petitioners before the Court below is dispensed with.

5. 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 his counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

**To:**

The Judicial Magistrate,  
Ilaiyankudi, Sivagangai District.

+1 CC to M/s.K.GOKUL, Advocate ( SR-103723[F]

+1 CC to M/s.B.PRAHALAD RAVI, Advocate ( SR-103793[F]

Crl.O.P.(MD)No. 23076 of 2015

04.12.2019

pmu

SDS (18.02.2020) 2P-4C

<https://hcservices.ecourts.gov.in/hcservices/>