



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD)No.2394 of 2015 and

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

WEB COPY

1. Palaniammal
 2. Rajalakshmi
 3. Rukmani
 4. Jothimani
- ... Petitioners/Accused Nos.1 to 4

Vs.

1. State rep. by,
The Inspector of Police,
District Crime Branch,
Dindigul District.
 2. Ramasamy
- ... 1st Respondent/Complainant
- ... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for records in respect of C.C.No.228 of 2014 on the file of the Judicial Magistrate No.II, Dindigul and quash the same.

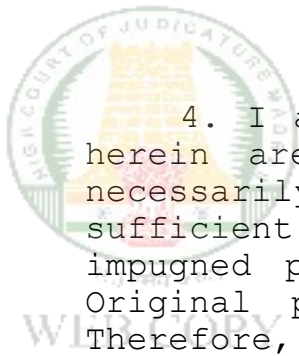
For Petitioners	: Mr.D.Venkatesh
For R-1	: Mr.A.Robinson, Government Advocate (Crl.Side).
For R-2	: Mr.S.Balaji

ORDER

The petitioners are facing prosecution in C.C.No.228 of 2014 on the file of the Judicial Magistrate No.II, Dindigul, for the offences under Sections 120(B), 406, 417, 420, 423 and 468 of I.P.C.

2. Heard the learned counsel on either side.

3. The case of the defacto complainant is that Arunachalam, son of the first petitioner and the brother of the other petitioners sold the property in question in favour of his wife. Thereafter, the petitioners filed a civil suit in O.S.No.350 of 2000 before the Additional District Munsif, Dindigul, seeking the relief of declaration and injunction. According to the defacto complainant, the petitioners herein had received a sum of Rs.4 Lakhs as a consideration for withdrawal of the suit. But even after receiving the said sum, the petitioners herein have chosen to continue the said proceedings. Hence, he filed a complaint before the District Crime Branch, Dindigul. Final report was filed and the same was taken on file in C.C.No.228 of 2014.



4. I am of the view that the grounds urged by the petitioners herein are factual in nature and that therefore they must be necessarily established only in a regular trial. These are not sufficient for quashing this Criminal Original petition. The impugned proceedings cannot be quashed. Therefore, this Criminal Original petition stands dismissed. The petitioners are women. Therefore, their personal appearance 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 their counsel.

6. It is made clear that this Court has not gone into the merits of the matter. All the contentions of the petitioners are left open.

Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.II,
Dindigul.
2. The Inspector of Police,
District Crime Branch,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.BALAJI, Advocate (SR-90058[F] dated 27/09/2019)

+1 CC to Mr.D.VENKATESH, Advocate (SR-90020[F] dated 27/09/2019)

CRL.O.P. (MD)No.2394 of 2015 and
M.P. (MD)Nos.1 and 2 of 2015
25.09.2019

PMU

MK (31.10.2019) 2P 6C

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