



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.5252 of 2015

WEB COPY

Marimuthu Pandian

... Petitioner/Accused No.1

Vs.

1. State rep. By,
The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.

... Respondent No.1/Complainant

2. Solaipriya

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.52 of 2015 on the file of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District quash the same as illegal with regard to the petitioner.

For Petitioners : Mr.V.Kathirvelu, Senior Counsel,
for Mr.K.Prabhu.

For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).

For R-2 : Mr.D.Shanmugha Raja Sethupathi
for Mr.M.Murali

O R D E R

The petitioner is shown as the first accused in C.C. No.52 of 2015 on the file of the Judicial Magistrate, Aruppukkottai.

2. The second respondent herein is the defacto complainant. The petitioner is facing trial for the offences under Sections 498 (A) and 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act.

3. The learned Senior counsel appearing for the petitioner reiterated the contentions set out in the memorandum of grounds.

4. I am of the view that none of them are sufficient to invoke the inherent powers of this Court to quash the impugned prosecution. The petitioner will have to necessarily establish his defence only before the Court below in a regular trial. Leaving open



all the contentions and defences of the petitioner, the criminal original petition stands dismissed.

5. Considering the facts and circumstances of this case, the personal appearance of the petitioner before the Court below is dispensed with.

6. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner 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. If he is unable to appear, his counsel will represent him and file a petition under Section 317 of Cr.P.C. On all other occasions, the petitioner can be represented through his counsel. Consequently, . . .

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Aruppukkottai, Virudhunagar District.
2. The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. MURALI, Advocate (SR-98514[F] dated 15/11/2019)

+1 CC to M/s.K.PRABHU, Advocate (SR-98649[F] dated 15/11/2019)

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