



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.5582 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015

Moses Ponnaiah

... Petitioner/Respondent

Vs

Keeba @ Dheepa

... Respondent/Petitioner

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in M.C.No.113 of 2014 on the file of the Judicial Magistrate Court No.1, Thoothukudi and quash the same.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : No appearance

ORDER

The respondent herein filed M.C.No.113 of 2014 before the Judicial Magistrate Court No.1, Thoothukudi under Section 12 of Protection of Women from Domestic Violence Act, 2005. To quash the same, this criminal original petition has been filed.

2. I am of the view that the contentions urged in the memorandum of grounds are not sufficient to quash the impugned proceedings. They will have to establish their innocence only before the Court below in a regular trial. This criminal original petition stands dismissed.

3.However, taking note of the facts and circumstances, the personal appearance of the petitioner before the Court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. On all other occasions, the petitioner can be represented through their counsel. It is made clear that this Court has not gone into the merits of the matter. All the contentions and defences are left open. Consequently, connected



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miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate Court No.1, Thoothukudi.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-91232[F] dated
04/10/2019)

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JMN(04.11.2019) 2P : 3C