



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.8402 of 2015

and

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

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1.Susila
2.Anbarasi

... Petitioners

Vs

1.Chandra
2.Basker
3.Subbiah

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in M.C.No.7 of 2013 on the file of the Judicial Magistrate No.IV, Tirunelveli and quash the same with regard to the petitioners.

For Petitioners : Mr.H.Arumugam
For Respondents : Mr.S.Muthalraj

ORDER

M.C.No.7 of 2013 has been filed by one Chandra-R1 herein against Basker and three others for the offence under Section 12 of the Protection of Women from Domestic Violence Act.

2. The petitioners herein are figuring as R2 and R4 in the said M.C.No.7 of 2013 filed before the Judicial Magistrate No.4, Tirunelveli.

3.According to the petitioners' counsel, Baskar is a mentally challenged person. He would also point out that there is no material on record to prove that Chandra is the wife of Baskar as she claims. But these are factual aspects. They will have to necessarily establish their innocence only in a regular enquiry. They are not grounds for quashing. In this view of the matter, this criminal original petition stands dismissed. However, the personal appearance of the petitioners is dispensed with.

4.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. 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 miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

rmi

To

The Judicial Magistrate No.IV, Tirunelveli.

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-91255[F] dated 04/10/2019)

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MK (13.12.2019) 2P 3C