



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.9662 of 2015 and
M.P.(MD)Nos.1 & 2 of 2015

1. C.Rajkumar
2. Vijayalakshmi
... Petitioners/
Accused Nos.1 & 2
Vs.

1. The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
... Respondent/Complainant
2. Saravanan, Advocate
... Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records relating to the case in S.C.No.133 of 2015 on the file of the learned District Judge, Mahila Court, Madurai and quash the same.

For Petitioners : Mr.S.Muthalraj
For R-1 : Mr.A.Robinson,
Government Advocate(Crl.Side).
For R-2 : No appearance.

ORDER

Heard the learned counsel on either side.

2. The petitioners are facing trial in S.C.No.133 of 2015 on the file of the District Judge, Mahila Court, Madurai, for the offence under Sections 324, 427, 307, 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

3. The contentions set out in the memorandum of grounds are not sufficient for me to invoke the inherent powers of this Court. This is because, the statement recorded under Section 161 of Cr.P.C. does implicate the petitioners herein. Therefore, the petitioners will have to necessarily establish their innocence only before the Court below in a regular trial.

4. In this view of the matter, the Criminal Original petition stands dismissed.



5. The personal appearance of the petitioners is dispensed with. The learned trial Judge 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.

7. The learned trial Judge is directed to dispose of S.C.No.133 of 2015 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Judge,
Mahila Court, Madurai.
2. The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.MUTHALRAJ, Advocate (SR-91421[F] dated 04/10/2019)

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PMU

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