



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD) . No.23147 of 2016

and

Crl.M.P(MD)Nos.12170 and 12171 of 2016

1.K.Pandi
2.Rukmani
3.P.Gayathri

... Petitioners/Accused 2 to 4

Vs

1.The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
Thirupparankundram Sub Division,
Madurai District.

... Respondent/Complainant

2.Parameswari

... Respondent/De-facto Complainant

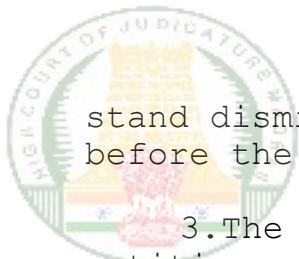
Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to the Charge Sheet in S.C.No.481 of 2016, on the file of the Mahila Court, Madurai and quash the same as far as the petitioners/Accused 2 to 4 are concerned and quash the same.

For Petitioners	: Mr.C.K.M.Appaji
For R-1	: Mr.A.Robinson
	Government Advocate (Crl. side)
For R-2	: Mr.K.Rajeshwaran

ORDER

The petitioners are facing trial in S.C.No.481 of 2016, on the file of the Mahila Court, Madurai, for the offences punishable under Sections 498(A), 304(B) and 109 of IPC. To quash the same, this Criminal Original Petition has been filed.

2.During the pendency of this petition, the first petitioner passed away. The learned counsel appearing for the petitioners reiterated the contentions set out in the memorandum of grounds. I am of the view that they are not sufficient for invoking the inherent powers of this Court, the petitioners will have to necessarily established their innocence only before the Court below. Therefore, leaving open all the contentions and defences available to the petitioners, this criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are also



stand dismissed. The personal appearance of the petitioners 2 and 3 before the Court below shall stand dispensed with.

3.The Court below will insist on the personal appearance of the petitioners 2 and 3 only on three occasions namely, to answer the charge, to examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioners 2 and 3 need not appear before the Court below. However, on those occasions, the petitioners 2 and 3 will have to be represented by their counsel. If the 2nd and 3rd petitioners' counsel is also absent, the benefit of dispensing the personal appearance of the petitioners 2 and 3 will stand automatically vacated.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

sjj

To

- 1.The Judge,
The Mahila Court, Madurai.
- 2.The Deputy Superintendent of Police,
Thirupparankundram Sub Division,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.RAJESHWARAN, Advocate (SR-91521[F] dated 04/10/2019)

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MK (11.12.2019) 2P 5C