



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P(MD).No.15348 of 2019

and

Crl.M.P.(MD).No.9142 of 2019

WEB COPY

- 1.A.Muthuraj
- 2.A.Kaleeswari
- 3.A.Karnan
- 4.A.Kalimuthu
- 5.K.Selvi
- 6.M.Kaliraja
- 7.S.Kavitha
- 8.A.Shanmugavel
- 9.S.Thangamani
- 10.S.Shanmuga Prabu

... Petitioners/Accused 1 to 10

Vs.

State rep., by

- 1.The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No.5 of 2018)

...1st Respondent

- 2.Lakshmiprabha

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned C.C.No.118 of 2019 on the file of the learned Judicial Magistrate, Theni District and quash the same as illegal against these petitioners' concerned.

For Petitioners : Mr.A.Prasanna Rajadurai

For Respondent : Mr.S.Chandrasekar

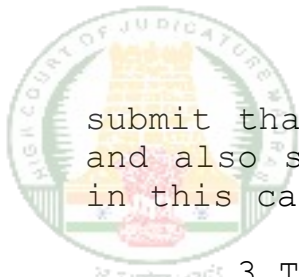
Additional Public Prosecutor (for R1)

No appearance (for R2)

O R D E R

This petition has been filed to quash the proceedings in C.C.No.118 of 2019 on the file of the learned Judicial Magistrate, Theni District.

2.The learned counsel for the petitioners submits that the entire complaint has been given only on the basis of imagination of the de-facto complainant as if the second petitioner, who is the mother of the first petitioner, was having a illicit relationship with some unknown person and that was questioned and the reason for she had been subjected to cruelty. He would further



submit that the relatives are not at all connected with this case and also some of the neighbours have also been arrayed as accused in this case.

3.The learned Additional Public Prosecutor would submit that the trial Court finding that there are materials available and framed charges against the accused for offence under Sections 498(A), 494, 406, 294(b) and 506(i) IPC, Section 4 of TNPHW Act and Section 4 of Dowry Prohibition Act. He would further submit that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

4. At this juncture, the learned counsel appearing for the petitioners prayed that the personal appearance of the petitioners except the first petitioner before the trial Court, may be dispensed with.

5.Accepting the said submission, the presence of the petitioners 2 to 10 before the trial Court shall be dispensed with on condition that they shall be present to answer the charges and at the time of questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court for the progress of trial.

6.The petitioners 2 to 10 are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in **2001 (4) SCC 667**.

7.Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



1.The Judicial Magistrate, Theni District.

2.The The Inspector of Police,
All Women Police Station,
Theni, Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.NA.PALANIYANDI, Advocate (SR-103173[F] dated
03/12/2019)

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