



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.15867 of 2018

and

Crl.M.P.(MD) Nos.7034 and 7035 of 2018

1.Sundaram
2.R.Anandhavalli
3.Gowri
4.Rashia

... Petitioners/Respondents 2,3,4 and 7

Vs.

S.Sharmishri

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the D.V.C.No.4 of 2017 on the file of learned Judicial Magistrate, Thiruvaiyaru, Thanjavur and quash the same in so far as this petitioners are concerned.

For Petitioners : Mr.K.M.Karunakaran

For Respondent : No appearance

O R D E R

This petition has been filed seeking to quash the proceedings in D.V.C.No.4 of 2017 on the file of learned Judicial Magistrate, Thiruvaiyaru, Thanjavur.

2.Heard learned counsel for the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as Respondents 2 to 4 and 7 in D.V.C.No.4 of 2017 on the file of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur. He would submit that false allegations have been made against these petitioners. The respondent had purposely implicated the petitioners only with an intention to harass and humiliate them. He would further submit that the petitioners are the relative of the husband of the respondent.

4.This Court does not find any ground to interfere with the proceedings, pending before the Court below and accordingly, this Criminal Original Petition stands dismissed.



5.At this juncture, the learned Counsel for the petitioners submitted that the presence of the petitioners before the Trial Court may be dispensed with.

6.Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be duly and properly represented by a counsel on all hearing dates and they shall appear on the date of passing final order.

7.The petitioners are further directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the complainant and her witnesses on the day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of Mediation. 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**. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vsg

To

The Judicial Magistrate,
Thiruvaiyaru, Thanjavur.

+1 CC to Mt.K.M.KARUNAKARAN, Advocate (SR-103189[F] dated
03/12/2019)

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