



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P (MD)No.12227 of 2017

Gomathiammal

...Petitioner / 2nd Respondent

Vs.

Shanmugasundari

...Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in the petition in DVOP No.7 of 2017, pending on the file of the Judicial Magistrate, Sathankulam, Thoothukudi District and quash the same as against the petitioner.

For Petitioner : Mr.S.Vinayak
For Respondent : Mr.C.K.M.Appaji

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in DVOP No.7 of 2017, pending on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District, as against the petitioner.

2.The petitioner is the second wife of the respondent's husband.

3. Heard the learned counsel for the Petitioner and perused the materials placed before this Court.

4. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

5. The learned counsel appearing for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances



of the case, the presence of the petitioner is dispensed with and she shall be represented by a counsel, who shall present before the Court below as and when required, during the important dates of hearing.

6. This Criminal Original Petition is therefore dismissed, however, with a direction to the Court below to complete the proceedings in DVOP No.7 of 2017, pending on the file of the Judicial Magistrate Court, Sathankulam, Thoothukudi District, within a period of three months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1. The Judicial Magistrate, Sathankulam,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P (MD) No.12227 of 2017

17.10.2019

KK/SAR/14.11.2019/2P-3C/