

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.23588 of 2015
and
M.P.Nos.1 & 2 of 2015

1.Senthildevi
2.Karthikeyan
3.Manoharan
4.Vasanthi
5.Shanthi

... Petitioners/ AA 3 to 6 & 8

Vs.

Kanagavalli ... Respondent/ Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in D.V.No.9 of 2015 on the file of the Judicial Magistrate Court, Madhurandhagam, Kancheepuram District, insofar as the petitioners are concerned and quash the same.

For Petitioners: Mr.S.Sasikumar

For Respondent : Mr.A.Murugavel

O R D E R

This case is taken up through video conference.

2. This criminal original petition has been filed seeking to call for the records in D.V.No.9 of 2015 on the file of the Judicial Magistrate Court, Madhurandhagam, Kancheepuram District, insofar as the petitioners are concerned and quash the same.

3. On 22.09.2015, this Court passed the following order:

"Notice of motion returnable in four weeks. Private notice is also permitted.

2. In M.P.No.2 of 2015, dispensed with

is granted on condition that the petitioners shall ensure that Sakthivel, the husband of the respondent deposits a sum of Rs.5,000/- per month to the credit of D.V.A.No.9 of 2015 on the file of the learned Judicial Magistrate, Madurantakam, before 5th of every English calendar month and on such deposit, the respondent/wife is entitled to withdraw the same.

3.Post on 20.10.2015."

4. Heard Mr.S.Sasikumar, learned counsel for the petitioners and Mr.A.Murugavel, learned counsel for the respondent.

5. The learned counsel for the petitioner fairly submitted that the petitioners had failed to comply with the order dated 22.09.2015.

6. On a reading of the averments in D.V.No.9 of 2015 shows that there are sufficient allegations against the petitioners and therefore, the same cannot be quashed.

7. In such view of the matter, this Court issues the following directions:

- i. The petitioners shall appear before the trial Court on or before 01.12.2020 and execute a bond under Section 88 Cr.P.C. with two sureties, each;
- ii. The petitioners shall file an affidavit stating that their Advocate will conduct their case in their absence and he will cross-examine the witnesses in their absence and will not adopt any dilatory tactics;
- iii. On such affidavit being filed, the Presence of the petitioners before the trial Court will stand dispensed with for the present;
- iv. The petitioners shall also state in the affidavit that they will not dispute their identity;
- v. Whenever the presence of the petitioners is required, the trial Court may inform the Advocate appointed by them and the petitioners shall appear on the date fixed by the trial Court.

In the result, this criminal original petition is dismissed with the above directions. Connected Crl.M.Ps. are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate,
Madhurandhagam,
Kancheepuram District.

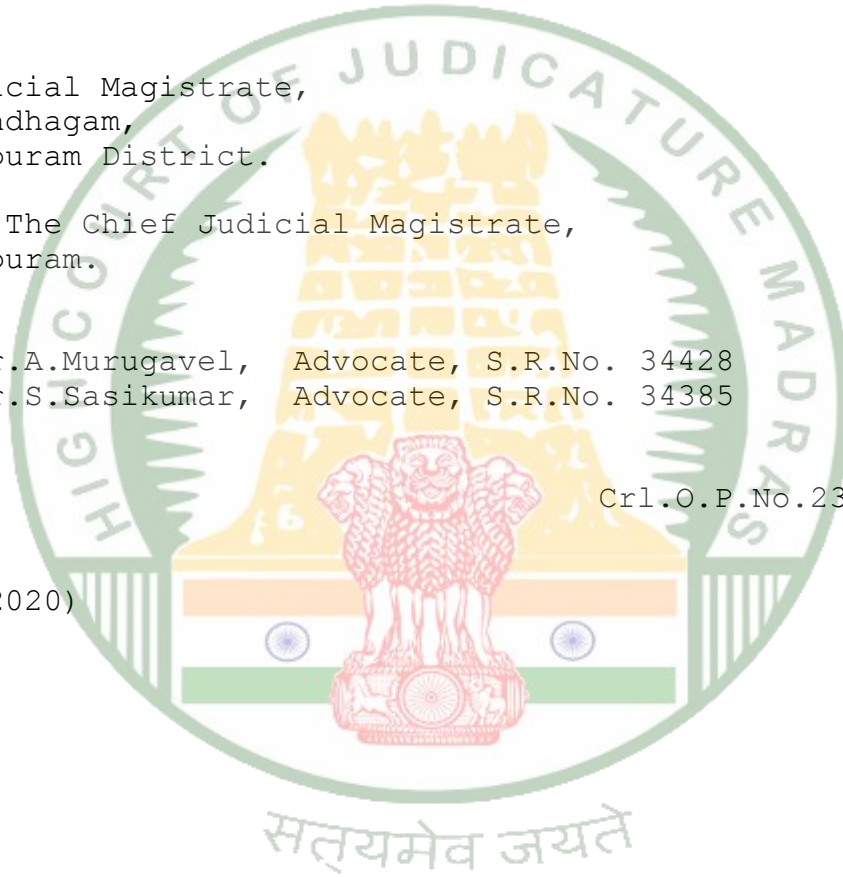
2.Do Thro The Chief Judicial Magistrate,
Kancheepuram.

+1cc to Mr.A.Murugavel, Advocate, S.R.No. 34428

+1cc to Mr.S.Sasikumar, Advocate, S.R.No. 34385

Crl.O.P.No.23588 of 2015

RSI (CO)
GN(03/11/2020)



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