



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD) .No.1311 of 2020

and

Crl.M.P. (MD) Nos.605 and 606 of 2020

1.V.Subbaiah
2.S.Jeyalakshmi
3.Seela Prabhuraj
4.S. Maragathaveni

..Petitioners/Accused No.2 to 5

Vs.

1.D.Mathini
2.Minor. Jeslin Adina
3.Minor. Salomon Jemial

(Respondents 2 and 3 represented by
the first respondent)

.. Respondents / Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in DVC No.22 of 2019 on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District and quash the same as against the petitioners.

For Petitioners : Mr.R.Anand

O R D E R

This petition has been filed to quash the proceedings in DVC No.22 of 2019 on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District.

2.The learned counsel appearing for the petitioners would submit that the first and second petitioners are the parents of the first respondent's husband and the third and fourth petitioners are daughters of the first and second petitioners. A reading of the complaint would show that there is no allegations against the third and fourth petitioners who are sister-in-law of the respondent. He would also submit that the third petitioner is residing at Tambaram and the fourth petitioner is living at Gurugram, Haryana and no allegations are levelled against them and hence, sought for quashment of the proceedings.

3. It is seen that the first and second petitioners had lived along with the second respondent at Tuticorin and there are specific allegations are against them.



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

5. Accepting the said submission, the presence of the petitioners 1 & 2 before the trial Court shall be dispensed with on condition that they shall be present at the time of passing judgment and whenever insisted upon by the trial court.

6. In view of the above, this Court is inclined to quash the proceedings in DVC No.22 of 2019 on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District insofar as the petitioners 3 and 4 concerned. Insofar as the first and second petitioners are concerned, this petition is dismissed.

7. In the result, this Criminal Original Petition is partly allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Aav

To:

The Judicial Magistrate,
Rajapalayam, Virudhunagar District

+1 CC to Mr.R.ANAND, Advocate (SR-4036[F] dated 30/01/2020)

Cr1.O.P.(MD).No.1311 of 2020
and
Cr1.M.P.(MD) Nos.605 and 606 of 2020
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VB/18/02/2020/2P/3C