



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.01.2020
CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.1597 of 2020
and

Crl.M.P. (MD) Nos.740 & 741 of 2020

1.M.N.Pillai @ Natesh
2.Shenbagavalli
3.Madhusuthanapillai
4.M.A.Pillai @ Mahesh

... Petitioners/Accused
Nos.1 to 4

Vs.

1.M.L.Kasthuri Sindhu
2.Minor N.K.Padmasara

(second respondent represented through
her mother / first respondent) ... Respondents/Petitioners

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to D.V.O.P.No.15 of 2016 on the file of the learned Judicial Magistrate No.3, Nagercoil, Kanyakumari District and quash the same.

For Petitioners : Mr.K.Sivabalan
for M/S.G.Aravinthan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.15 of 2016 on the file of the learned Judicial Magistrate No.3, Nagercoil, Kanyakumari District.

2. The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A1 to A4 in D.V.O.P.No.15/2016 filed by the first respondent. The first petitioner is the husband and the other petitioners are in-laws of the first respondent. He would further submit that they have unnecessarily arrayed as respondents in the D.V.O.P., only for the purpose of harassing them. Even first petitioner and the respondents are living separately and the petitioners 2 to 4 are also living separately. Due to matrimonial dispute, a false case has been foisted against the petitioners. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he sought for quashment of the proceedings.



3. This Court having gone through the records and there is an allegation against the petitioners. This Court is of the view 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 2 to 4 before the trial Court, may be dispensed with.

5. Accepting the said submission, the presence of the petitioners 2 to 4 before the trial Court shall be dispensed with on condition that they shall be duly represented by a counsel on all hearing dates and they will make themselves available at the time of passing of judgment.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

To

1.The Judicial Magistrate No.3,
Nagercoil,
Kanyakumari District.

2.The Section Officer,
Criminal Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

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MK (20.02.2020) 2P 4C