



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.03.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.4268 of 2020 and
CRL.M.P.(MD)Nos.2366 & 2368 of 2020

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Selvarani ... Petitioner/Accused No.2

Vs.

1. State represented through,
The Inspector of Police,
Pudhukadai PS,
Kanyakumari District. ... 1st Respondent/Complainant

2. Helan Rani ... 2nd Respondent/Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.520 of 2019 on the file of the learned Judicial Magistrate No.II, Kulithurai and quash the same against the petitioners.

For Petitioner : Mr.K.Neethimohan
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).

O R D E R

The petitioner is facing trial in C.C.No.520 of 2019 on the file of the Judicial Magistrate No.II, Kuzhithurai, for the offences under Section 447, 294(b), 427, 323, 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002.

2. The petitioner's counsel reiterated the contentions set out in the memorandum of grounds.

3. I am of the view that the petitioner will have to establish her innocence only before the Court below in a regular trial. The petitioner is a lady. Taking note of the overall facts and circumstances, the personal appearance of the petitioner before the Court below is dispensed with.

4. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through her counsel.



5. It is made clear that this Court has not gone into the merits of the matter. The criminal original petition stands dismissed. Consequently, connected Miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pmu

To:

1. The Judicial Magistrate No.II,
Kulithurai, Kanyakumari District

2.The Inspector of Police,
Pudhukadai PS,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.K.NEETHIMOHAN, Advocate (SR-10623[F] dated 09/03/2020)

CrI.O.P.(MD)No. 4268 of 2020
09.03.2020

MK (18.03.2020) 2P 5C