



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.3579 of 2020

and

Crl.M.P(MD) Nos.1927 and 1928 of 2020

WEB COPY

1.Selvaraj
2.Ramalakshmi

...Petitioners/Respondent

Vs.

Yogalakshmi

...Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to to call for the records pertaining to the complaint under the Domestic Violence Act in D.V.C.No.11 of 2019, on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram, to quash the same as illegal in petitioners/respondents 2 and 3 concern.

For Petitioners : Mr.D.Balamurugapandi

O R D E R

This petition has been filed to quash the proceedings in D.V.C.No.11 of 2019, on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram,

2.The learned counsel for the petitioners would submit that the petitioners are in-laws of the respondent herein. The marriage between the respondent and the son of the petitioners took place on 04.06.2019. Thereafter, the respondent has also filed a maintenance case in M.C.No.50 of 2019 against her husband and the same is pending on the file of the learned Chief Judicial Magistrate, Ramanathapuram and she has also filed the present DVC against the petitioners and their son. He would further submit that the son of the petitioner is regularly appearing before the trial Court. He would further submit that the petitioners are taking steps to amicably settle the issue. He would further submit that there are no specific allegation against the petitioners.

3.This Court is of the opinion that these grounds can be raised before the Court below during the time of enquiry and this Court does not find any ground to interfere with the proceedings, pending before the Court below and accordingly, this Criminal Original Petition stands dismissed.



4.At this juncture, the learned Counsel for the petitioners submitted that the presence of the petitioners before the Trial Court may be dispensed with.

5.Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be duly and properly represented by a counsel on all hearing dates and that they will make themselves available before the Court on the day of passing final orders.

6.The petitioners are further directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the complainant and her witnesses on the day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of Mediation. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Sji

To

1. The Judicial Magistrate, Additional Mahila Court,
Ramanathapuram.
2. The Chief Judicial Magistrate, Ramanathapuram.

Crl.O.P. (MD) .No.3579 of 2020
and

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MK (12.05.2020) 2P 3C