



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.4260 of 2020

and

Crl.M.P. (MD)Nos.2359 and 2360 of 2020

WEB COPY

1.Subbiah
2.Parvathy
3.Chandra

... Petitioners/Accused No 2,3 & 4

-vs-

1.The Inspector of Police,
All Women Police Station,
Palayamkottai, Tirunelveli.
(Ref. Cr.No.06/2013)

... Respondent/Complainant

2.Niranjana Priyadharshini

... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records and quash the proceedings in (*) **C.C.No.293 of 2018**, pending on the file of (*) **the Additional Mahila Court, Tirunelveli.**

For Petitioner : Mr.P.Samuel Gunasingh

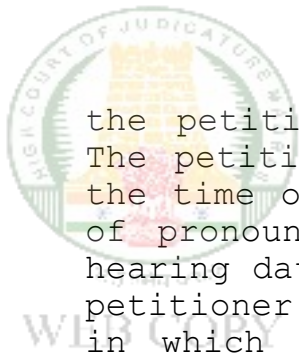
For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

O R D E R

The petitioners are figuring as accused in (*) **C.C.No.293 of 2018** on the file of (*) **the learned Additional Mahila Court, Tirunelveli** for the offences under Sections 498(A), 406 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 and Section 4 of Dowry Prohibition Act.

2.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. They involve appreciation of factual aspects. They are insufficient for invoking the inherent powers of this Court to quash the impugned proceedings. The petitioners have to establish their innocence only before the Court below in a regular trial.

3.Taking note of the over all facts and circumstance of this case, their personal appearance of the Court below stands dispensed with. The Trial Judge shall not insist on the personal appearance of



the petitioners, unless it is absolutely necessary or imperative. The petitioners of course be present to answer the charges and at the time of examination under Section 313 of Cr.PC and at the time of pronouncing judgment. Except these three occasions, on other hearing dates the petitioner can be represented through counsel. The petitioner undertakes to file an affidavit before the Court below, in which he will undertake not to dispute the identity of the witness.

4. With this direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

**(*)Substituted vide order of this Court
dated 02.12.2020 made in CRL OP(MD)No.4260 of 2020**

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pnn

To

(*) to be substituted the order already despatched on 07.05.2020

1. The Additional Mahila Court, Tirunelveli.

2.The Inspector of Police,
All Women Police Station,
Palayamkottai, Tirunelveli.

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

Copy to

1.The Judicial Magistrate No.1, Tirunelveli.

+1 CC to M/s.P.SAMUVEL GUNASINGH, Advocate (SR-10625[F] dated
09/03/2020)

Crl.O.P. (MD)No.4260 of 2020
09.03.2020

AP(23/03/2020) 2P 5C

SGS(CO)

TR(03/12/2020) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>