



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.4523 of 2020

and

Crl.M.P. (MD)Nos.2553 and 2554 of 2020

1.B.Jayalakshmi @ Seetha	...Petitioner / 4 th Accused
2.N.Rajavel	...Petitioner / 2 nd Accused
3.R.Renuka	...Petitioner / 3 rd Accused

-vs-

1.The Inspector of Police,
All Women Police Station,
Tiruparankundram.

2.S.Nithyakalyani ... Respondents/Complainants

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for records relating to the charge sheet filed in C.C.No.280 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same in respect of the petitioners.

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

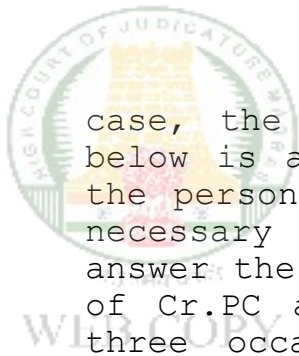
O R D E R

The petitioners are facing trial in C.C.No.280 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai for the offences under Section 498A, 494 of IPC and Section 4 of Dowry Prohibition Act.

2.The learned counsel for the petitioners reiterated the contentions set out in the memorandum of grounds.

3.Though, the said submissions are quite persuasive, I am of the view that they will have to be necessarily established before the Court below, in view of their factual nature. Therefore, leaving open the petitioners' contentions and defences, this Criminal Original Petition stands dismissed.

4.Considering the over all facts and circumstances of this
<https://hcservices.ecourts.gov.in/hcservices/>



case, the personal appearance of the petitioner before the Court below is also 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.

5.The learned counsel for the petitioners states that the entire allegations are directed only against the first accused who is the husband of the defacto complainant. In fact, he is not even taking care of the aged parents. It is only the petitioner herein who is taking care of them.

6.Therefore, taking note of the difficulties said to be faced by the petitioners herein, the learned Judicial Magistrate, Additional Mahila Court, Madurai, is requested to dispose of the main case in accordance with law within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

pnn
To

1.Judicial Magistrate, Additional Mahila Court, Madurai.

2.The Inspector of Police,
All Women Police Station,
Tiruparankundram.

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

+1 CC to M/s.N.VIJAYARAJAN, Advocate (SR-11621[F]

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SMA/24/03/2020/2P/5C