



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.4580 of 2020

and

Crl.M.P. (MD)Nos.2576 and 2577 of 2020

WEB COPY

1.Syed Ali Fathima

2.Nelofar Nisha Begam

... Petitioners / A3 and A4

-vs-

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

... 1st Respondent / Complainant

2.Jimana Hasin

... 2nd Respondent/ Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for records in C.C.No.01/2020 on the file of the Judicial Magistrate, Ramanathapuram under Sections 109, 498A, 354A, 511, 506(2) of IPC and Section 4 of Dowry Harassment Act and quash the same.

For Petitioners : Mr.S.M.S.Johny Basha

For R1 : Mr.A.Robinson

Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in C.C.No.1 of 2020 on the file of the learned Judicial Magistrate, Ramanathapuram. The petitioners are figuring as Accused Nos.3 and 4 for the offences under Sections 109, 498A, 354A, 511, 506(2) of IPC and Section 4 of Dowry Harassment 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 establish 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 case, the personal appearance of the petitioner's 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Ramanathapuram

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

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

+1 CC to M/s.S.M.S.JOHNNEY BASHA, Advocate (SR-11637[F]

Crl.O.P. (MD)No.4580 of 2020

13.03.2020

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