



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No.6190 of 2019

and

Crl.M.P.(MD)Nos.4062 & 4063 of 2019

WEB COPY

1.Seeralakarthick
2.Kaliappan
3.K.Suseela
4.K.Prabhu Rajasekar
5.K.Vijay Rajesh Kumar ... Petitioners/Accused Nos.1 to 5

Vs.

Karthiga ... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records relating to the proceedings in Crl.M.P.No.1660 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Cheranmahadevi and quash the same.

For Petitioners : Mr.M.Sureshkumar
For Respondent : Mr.V.Angusamy

O R D E R

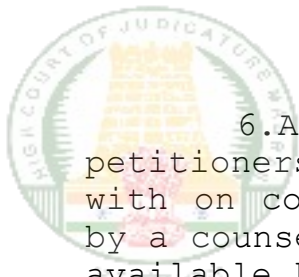
This petition has been filed to quash the proceedings in Crl.M.P.No.1660 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Cheranmahadevi.

2.The learned counsel appearing for the petitioners would submit that the first petitioner is the husband of the respondent and petitioners Nos.2 to 5 are in-laws of the respondent. He would further submit that due to matrimonial dispute, the respondent has filed a petition H.M.O.P.No.77 of 2017 on the file of the Sub-Court, Tirunelveli. He would further submit that the petitioners 2 to 5 have been unnecessarily roped in.

3.In the considered view of this Court, the grounds raised by the petitioners are purely factual in nature. The said grounds can be raised only before the Court below, in the course of proceedings and the Court below shall consider the same on its own merits and in accordance with law.

4.Therefore, there is no merit in this petition. Hence, this Criminal Original Petition is dismissed.

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



6. Accepting the said submission, the presence of the petitioners Nos.2 to 5 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. The first petitioner shall appear before the Court below on all hearing date, without fail.

7. The petitioners Nos.2 to 5 are further directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the complainant and his witnesses on the day they are examined in chief. The petitioners Nos.2 to 5 shall not dispute the identity of the witnesses. The petitioners Nos.2 to 5 shall appear before the Court in the event if their presence is insisted by the trial judge for the purpose of Mediation. If the petitioners Nos.2 to 5 adopt any dilatory tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners Nos.2 to 5 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 (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

The District Munsif Cum Judicial Magistrate,
Cheranmahadevi.

+1 CC to M/s.V.ANGU SAMY, Advocate (SR-4503[F] dated 03/02/2020)

Cr1.O.P.(MD)No.6190 of 2019

03.02.2020

SMA/14/02/2020/2P/3C