



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.9108 of 2019

and

Crl.M.P. (MD) Nos.5785 and 5786 of 2019

WEB COPY

1.Arockiaraj

2.Mikkel Ammal

3.Jansirani

4.Arun Jebasthin

... Petitioners

Vs

1. State Rep. by its,
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
(Crime No.5 of 2017)

2. Tensila

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records for C.C.No.196 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Karaikudi, Sivagangai District in Crime No.5 of 2017 on the file of the first respondent police and quash the same as illegal and devoid of merits.

For Petitioners : Mr.A.Uthayakumar
For R1 : Ms.S.E.Veronica Vincent
Government Advocate
For R2 : Mr.M.P.Pragalathan

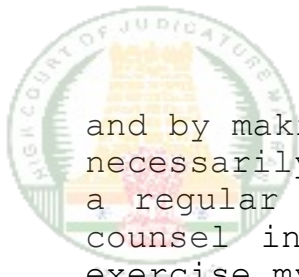
ORDER

Heard the learned counsel on either side.

2.The petitioners are figuring as accused in C.C.No.196 of 2017 on the file of the Judicial Magistrate, Karaikudi, Sivagangai District, for the offences under Sections 498(A), 406 and 506(i) of IPC. To quash the same, this petition has been filed.

3.The learned counsel appearing for the petitioner reiterated the contentions set out in the memorandum of grounds.

4.I am not able to agree with the petitioner's counsel's contentions for the simple reason that the specific allegations and over tact have been attributed against all the four persons herein. It is possible that they have been implicated in *omni bus* fashion



and by making sweeping statements. But then, the petitioners have to necessarily establish their innocence only before the Court below in a regular trial. Since the contentions urged by the petitioner's counsel involve factual investigation, I am not in a position to exercise my jurisdiction under Section 482 of Cr.P.C.

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5.This Criminal Original Petition stands dismissed. I make it clear that I have not gone into the merits of the matter. All the contentions and defences of the petitioner are left open.

6.Taking note of the said facts and circumstance of the case, the personal appearance of the petitioners 2 to 4 before the Court below is dispensed with. The petitioners will have to appear only on those occasions, only when it is imperative and necessary. On all other occasions, the petitioners 2 to 4 can be represented by their counsel. If the counsel fail to appear, then the benefit of this order will get vacated automatically.

7.With this limited relief, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD)No.9108 of 2020
12.10.2020

(CO)

CS(22.10.2020) 2P 3C

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