



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.10.2020
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P (MD)No.11319 of 2020
and
Crl.M.P. (MD)Nos.5167 and 5169 of 2020

1.C.R.Praveen Raj
2.I.Rajendran
3.R.Devaprakasini ... Petitioners / Accused No.1 to 3

Vs.

1.State represented by
The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai.
In Crime No.1 of 2018 ... 1st Respondent / Complainant

2.Deepikarani ...2nd Respondent / Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records of the proceedings in C.C.No.38 of 2019 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai and quash the same.

For Petitioners : Mr.P.T.Ramesh Raja

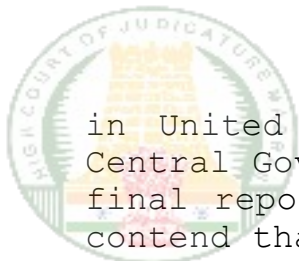
For Respondent : Ms.S.E.Veronica Vincent,
Govt. Advocate (Crl. Side) for R1

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the first respondent.

2.The petitioners are facing trial in C.C.No.38 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, for the offences under Sections 498(A) and 406 of I.P.C.

3.The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds. In particular, he contended that the cause of action had arisen only



in United Kingdom and that therefore without the consent of the Central Government as contemplated under Section 188 of Cr.P.C., the final report could not have been taken cognizance. He also would contend that the elementary ingredients of the offence under Section 406 of I.P.C., are absent. The defacto complainant is said to have entrusted the jewellery to the mother-in-law at the time of "Valaikappu" for safe custody. It is not case of the prosecution that the same has been converted to the use of the accused. He also would contend that the allegations of cruelty have been made in a broad general and sweeping manner. Even though the petitioners' counsel's contentions are on the face of it persuasive, I am of the view that they will have to be established only during regular trial. Therefore, leaving open all the contentions of the petitioners, this criminal original petition is dismissed. The petitioners can raise all these contentions before the learned trial judge. I make it clear that I have not gone into the merits of the matter.

4.The petitioners' counsel states the first petitioner is working in United Kingdom. The petitioners 2 and 3 are parents in law. The Court below shall not insist on the personal appearance of the petitioners. However, the petitioners have to execute a special vakalat. If necessary, the first petitioner can even appear through video conferencing. However, all the three petitioners have to necessarily appear before the Court below at the time of pronouncement of the judgment and on all other occasions, they can be represented through counsel. If the counsel also fails to appear, then the benefit of this order will automatically get vacated. The counsel cannot cite reasons such as boycott etc. The counsel who undertakes to represent the accused in such cases, should be mindful of the consequences of his non appearance. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Judicial Magistrate,
Additional Mahila Court, Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Crl.O.P (MD) No.11319 of 2020
14.10.2020**

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