



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)Nos.1868, 2092 & 3609 of 2016

and

Cr1 MP(MD)Nos.954, 955, 1064, 1065, 1820 & 1821 of 2016

WEB COPY

Cr1 OP(MD)No.1868 of 2016 :

1.Vasanth Mery

2.Blomiyeskani ... Petitioners / Accused Nos.1 and 2

1.State, rep.by

The Inspector of Police,
Pudukadai Police Station,
Cr.No.144 of 2014,
Kanyakumari District.

... 1st respondent / Complainant

2.Dennis

... 2nd respondent / defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.38 of 2015 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and to quash the same with regard to the petitioners.

Cr1 OP(MD)No.2092 of 2016 :

1.Vasanth Mery

2.Blomiyeskani ... Petitioners / Accused Nos.1 and 2

Vs.

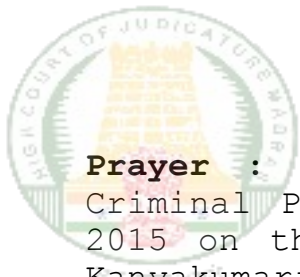
1.State, rep.by

The Inspector of Police,
Pudukadai Police Station,
Cr.No.465 of 2014,
Kanyakumari District.

... 1st respondent / Complainant

2.Dennis

... 2nd respondent / defacto complainant



Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.37 of 2015 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and to quash the same.

Cr1 OP(MD)No.3609 of 2016 :

1.Blomiyeskani

2.Vasantha Mery ... Petitioners / Accused Nos.1 and 2

Vs.

1.State, rep.by

The Inspector of Police,
Pudukadai Police Station,
Cr.No.273 of 2014,
Kanyakumari District.

... 1st respondent / Complainant

2.Dennis ... 2nd respondent / defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.C No.143 of 2015 on the file of the Assistant Sessions Judge, Kuzhithurai, Kanyakumari District and to quash the same.

In all cases :

For Petitioners : Mr.K.Prabhu

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

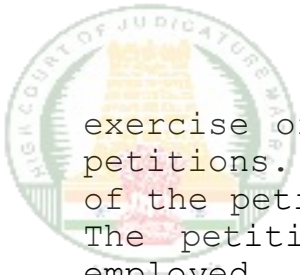
Mr.v.Sasikumar for R2

COMMON ORDER

Heard the learned counsel on either side.

2.In all these cases, the petitioners are figuring as accused and the second respondent herein is figuring as the defacto complainant. The learned counsel for the petitioners pointed out that there are civil proceedings pending between the parties. The defacto complainant is using the criminal process to force them to give up their legitimate civil claims.

3.Though the contention of the learned counsel for the petitioners appears to be rather attractive, I am of the view that these are factual matters which will have to be established only in a regular trial. It may not be possible for me to undertake an



exercise of appreciation of material facts to give relief in these petitions. Therefore, leaving open all the contentions and defences of the petitioners, these criminal original petitions are dismissed. The petitioners are women. Ms.Vasantha Mary is said to be employed in Bangalore. Therefore, the petitioners' personal appearance before the trial court is dispensed with. Of course, they will have to appear before the trial court for answering the charges, examination under Section 313 of Cr.Pc and at the time of pronouncement of Judgment. On all other those occasions, they will have to be represented by their counsel. Consequently, connected miscellaneous petitions are also stand dismissed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

1.The Assistant Sessions Judge,
Kuzhithurai, Kanyakumari District.

2.The Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District.

3.The Inspector of Police,
Pudukadai Police Station, Kanyakumari District

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

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-187[F] dated 03/01/2020)

Cr1 OP(MD)Nos.1868, 2092 & 3609 of 2016
02.01.2020

SVN(CO)
TR(20.02.2020) 3P 6C