



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2020

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.9177 of 2016

and

Crl.M.P.(MD)Nos.4591 & 4592 of 2016

1. Asaikumar
2. Sivasakthi
3. Mayakkal
4. Jeyapandi ...1st Petitioners/Accused Nos.1 to 4

Vs.

1. State of Tamil Nadu,
The Inspector of Police,
Checkanoorani police station,
Madurai District.
(Crime No.220 of 2015) ...1st Respondent/Complainant
2. Pandiyammal ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.28 of 2016 on the file of the Judicial Magistrate No.II, Usilampatti and quash the same.

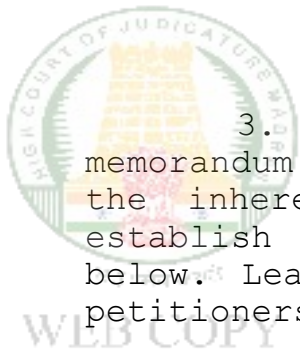
For Petitioner : M/s.V.Selva

For R-1 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.

O R D E R

The petitioners are facing trial in C.C.No.28 of 2016 on the file of the Judicial Magistrate No.II, Usilampatti.

2. The second respondent herein is the defacto complainant. At the instance of the defacto complainant, Crime No.220 of 2015 was registered on the file Checkanoorani police station. It was investigated and final report was filed. It was taken on file and cognizance of the offences was taken. To quash the same, the criminal original petition has been filed.



3. I am of the view that the grounds set out in the memorandum and urged before me are not sufficient for me to invoke the inherent powers. The petitioners will have to necessarily establish their defence only in a regular trial before the Court below. Leaving open all the contentions and the defences of the petitioners, the criminal original petition stands dismissed.

4. Taking note of the overall facts and circumstances of this case, the personal appearance of the petitioners before the Court below is dispensed with.

5. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through his counsel. If the petitioners fail to appear, the benefit of this order will stand vacated. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1. The Judicial Magistrate No.II, Usilampatti.
 2. The Inspector of Police,
Checkanoorani police station, Madurai District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.V.SELVA, Advocate (SR-699[F] dated 08/01/2020)

Cr1.O.P.(MD)No.9177 of 2016 and
Cr1.M.P.(MD)Nos.4591 & 4592 of 2016
07.01.2020

PMU

SDS (04.06.2020) 2P-5C
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