



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2020

CORAM:

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

Crl.O.P.(MD)No.17403 of 2019

and

Crl.M.P.(MD)Nos.10245 and 10246 of 2019

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1.Mohammed Jawahir

2.Kalima Begam

...Petitioners/Respondents 2&3

-Vs-

1.Ramjan Begum

2.Minor.Syed Joharan Begum

represented through her mother/Guardian

... Respondents/Petitioner 1 and 2

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in DVC.No.3 of 2018, on the file of the learned Judicial Magistrate, Pattukottai and quash the same as illegal.

For Petitioners

: Mr.S.M.A.Jinnah

For Respondents

: Mr.A.Senthilkumar

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in DVC.No.3 of 2018, on the file of the learned Judicial Magistrate, Pattukottai.

2.The learned counsel appearing for the petitioners would submit that the first petitioner is the father-in-law and the second petitioner is the sister-in-law of the first respondent/complainant. He would further submit that there was a matrimonial dispute between the first petitioner's son and the first respondent/complainant. He would further submit that only as a retaliation, the petition under Domestic Violence Act has been filed with false allegation. He would further submit that there are no specific allegations against the petitioners.

3.This Court is of the opinion that these grounds can be raised before the Court below during the time of enquiry and this Court does not find any ground to interfere with the proceedings, pending before the Court below and accordingly, this Criminal Original Petition stands dismissed.

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



5. Accepting the said submission, the presence of the petitioners 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.

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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

The Judicial Magistrate, Pattukottai.

+1 CC to Mr.A.SENTHILKUMAR, Advocate (SR-2739[F] dated 24/01/2020)

+1 CC to Mr.S.M.A.JINNAH, Advocate (SR-3009[F] dated 24/01/2020)

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