



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD).No.19075 of 2019
and Crl.M.P. (MD) Nos. 11194 & 11195 of 2019

1. Muthuraja
2. Rajakani
3. Kavitha
4. Vellaichamy
5. Murugesan
6. Manivannan
7. Sangeetha
8. Mahendran

... Petitioners/Accused Nos.1, 2 and 4 to 9

Vs.

1.The State rep. by
The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District.
(Crime no. 16 of 2018) ...R-1/Complainant

2.Rajeshwari ... R-2/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in connection with C.C. No. 11 of 2019 on the file of the learned Judicial Magistrate, Manamadurai, Sivagangai District in connection with Crime No. 16 of 2018 on the file of the Inspector of Police, All Women Police Station, Manamadurai, Sivagangai District and quash the same as illegal and devoid of merits forthwith.

For Petitioners : Mr.S. Palani Velayutham

For R-1 : Mr.S.Chandrasekar,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 11 of 2019 on the file of the learned Judicial Magistrate, Manamadurai, Sivagangai District in connection with Crime No. 16 of 2018 on the file of the Inspector of Police, All Women Police Station, Manamadurai, Sivagangai District.



2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

3. The learned counsel appearing for the petitioners would submit that the first petitioner is the husband of the second respondent and the petitioners-2 to 8 are relatives of the first petitioner and there is no specific averments against the petitioners-2 to 8 and they have been falsely implicated since relatives of the first accused.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that there are specific allegations as against all the petitioners. He would further submit that the case stands posted on appearance of parties on 22.01.2020 before the trial Court.

5. At this juncture, the learned counsel appearing for the petitioners would submit that he is not pressing the application however, prays that the personal appearance of the petitioners-2 to 8 before the trial Court may be dispensed with.

6. Accepting the said submission, the presence of the petitioners-2 to 8 before the trial Court shall be dispensed with on condition that they shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

7. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same 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 are insisted by the trial judge for the purpose of identification. If the petitioners 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**.



8. Accordingly, the Criminal Original Petition stands dismissed and the personal appearance of the petitioners-2 to 8 is dispensed with before the trial Court. Consequently, Crl.M.P.(MD) No. 11194 of 2019 is dismissed and Crl.M.P.(MD) No. 11196 of 2019 is ordered.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate,
Manamadurai, Sivagangai.

2.The Chief Judicial Magistrate, Sivagangai.

3.The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District.

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-1738[F] dated
13/01/2020)

Crl.O.P(MD)No.19075 of 2019
10.01.2020

JMN(12.02.2020) 3P : 6C