

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.24687 of 2015
and M.P.Nos.1 and 2 of 2015

1.PRABHU,
S/o.G.Padmanaban

2.G.PADMANABAN,
S/o.M.Ganesan

... Petitioners/R1 & R2

Vs.

Mrs.ISHKARA PRIYADHARSHINI,
W/o.P.Kalainesan @ Babu

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.1304 of 2015 on the file of the learned X Metropolitan Magistrate, Egmore and quash the same.

For Petitioners : Mr.C.R.Malarvannan
For Respondent : No appearance

O R D E R

(The case has been heard through video conference)

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1304 of 2015 on the file of the learned X Metropolitan Magistrate, Egmore.

2.The learned counsel for the petitioners would submit that the first petitioner is the brother-in-law and the second petitioner is the father-in-law of the husband of the Respondent/Complainant. He would further submit that admittedly, the matrimonial dispute is pending right from the year 2014 and the Respondent/Complainant had given a complaint before the Protection Officer, North Chennai, Singaravelar Maligai, Chennai seeking to join with her husband. While so, during the year 2015, this proceedings have been initiated only with the purpose of harassing these petitioners, who are related to the husband of the respondent and they have nothing to do with the alleged matrimonial dispute between the Respondent/Complainant and her husband. He would further submit that the petitioners 1 and 2 had not at any point of time shared a domestic relationship with

the Respondent/Complainant and they have been unnecessarily roped in this case.

3.This Court is of the opinion that due to the interim order of stay the entire proceedings have been stalled. The petitioners are permitted to raise all these grounds before the concerned Court, where the proceeding is pending.

4.At this juncture, the learned counsel for the petitioners would pray that the presence of the petitioners may be dispensed with before the trial Court.

5.Accepting the said submission, the presence of the petitioners before the trial court shall be dispensed with on condition that they shall be properly represented by a counsel on all hearing dates.

6.The petitioners are further directed to give an undertaking in the form of an affidavit that the Counsel representing them will cross examine the Respondent/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 if their presence is insisted by the trial judge for the purpose of identification.

7.Accordingly, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (C.S.II)

/True Copy/

Sub Assistant Registrar

To

- 1.The Xth Metropolitan Magistrate, Egmore, Chennai.
2. -Do-Thro' The Chief Metropolitan Magistrate, Chennai.

AKM/10.02.2020/2P-3C /

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