

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.212 of 2017
and Crl.M.P Nos.158 & 159 of 2017

1. Murugan
2. Parvathi
3. Subramanian
4. Valli @ Valliammal
5. Amutha Petitioners

vs.

1.The State rep.by
The Inspector of Police,
All Women Police Station,
Tirukovilur,
Villupuram District.
Crime No.29 of 2015

2. Revathi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, calling for the records pertaining to the CC.No.345 of 2016 on the file of the learned Judicial Magistrate, Tirukovilur and quash the same.

For Petitioner : Mr.D.Lakshmipathy

For R1 : Mr.C.Raghavan
Government Advocate (Criminal Side)

For R2 : Mr.Y.Bhuvanesh kumar

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 498(A) & 323 of IPC and Section 72 of Information Technology Act.

2. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not

inclined to interfere with the proceedings pending before the Court below.

3. It was brought to the notice of this court that the second petitioner died during the pendency of the proceedings and this Criminal Original Petition is abated insofar as the second petitioner is concerned.

4. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners 1,3,4 and 5 are dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC No.345 of 2016 within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Tirukovilur.

2.The The Inspector of Police,
All Women Police Station,
Tirukovilur,
Villupuram District.

3.The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.Y.Bhuvaneshkumar, Advocate SR.3225

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AJS (CO)
CB(25/02/2021)



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