



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P. (MD)No. 5038 of 2021

and

Crl.M.P. (MD)Nos. 2883 & 2884 of 2021

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1.Rajakumar
2.Santha @ Santha Kumari
3.Sajitha @ Sajitha Kumari ... Petitioners/Accused 3,5 & 6

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Crime No.16 of 2018.) ... 1st Respondent/Complainant

2.Anisha ...2nd Respondent/Defacto Complainant

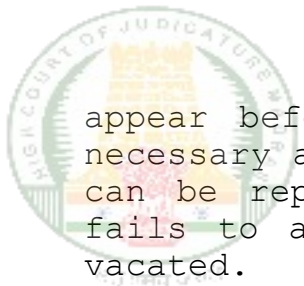
Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in C.C.No.424 of 2020 on the file of the Judicial Magistrate No.1, Kuzhithurai and quash the same as against the petitioners.

For Petitioners : Mr.S.Sivakumar
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.424 of 2020 on the file of the Judicial Magistrate No.1, Kuzhithurai.

2. The petitioners are figuring as A3, A5 and A6. The second respondent is the defacto complainant. It is a matrimonial complaint. In a case of this nature, when specific allegation has been set out against each of the accused, it is not possible for the Court to invoke its inherent powers to quash the impugned proceedings. The petitioner's will have to necessarily workout their remedies before the appropriate forum. The petitioners cannot prove their innocence before this Court. Taking note of the facts that the two of the petitioners are presently abroad and that the second petitioner is a women, their personal appearance before the Court below is dispensed with. The petitioners can appear through their counsel even at the time of answering the charges. They need to



appear before the Court only when their appearance is absolutely necessary and imperative and on all other occasions, the petitioners can be represented by their counsel. If the petitioners' counsel fails to appear, the benefit of this order will automatically be vacated.

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3. The petitioners are permitted to file the petition under Section 205 Cr.P.C and their counsel can appear on behalf of them by taking special vakalath. If the petitioners file such an application, the same shall be allowed by the Court below. This criminal original petition is dismissed accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.1,
Kuzhithurai.
- 2.The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-36667[F] dated 01/12/2021)
Crl O.P.(MD)No.5038 of 2021
and
Crl.M.P.(MD)Nos. 2883 & 2884 of 2021
29.11.2021

NSN (CO)
GC(15.12.2021) 2P 5C

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