



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 11402 of 2021

and

Crl.M.P.(MD)Nos.5796 & 5797 of 2021

1.Anu Vianneys ...Petitioner/4th Accused /
4th Accused

2.J.Sathish Xavier ... Petitioner/5th Accused

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.54 of 2020) ...Respondent/Complainant

2.Jaya Priya ... Respondent/Defacto Complainant

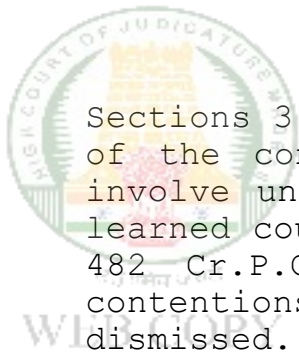
Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records relating to the criminal proceedings pending in C.C.No.24 of 2021 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.N.Dilip Kumar
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor
for R.1
Mr.M.P.Senthil for R.2

ORDER

Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

2. The petitioners are facing trial in C.C.No.24 of 2021, on the file of Additional Mahila Court (Magisterial Level), Nagercoil for the offences under Sections 406, 498(A) and 506(2) IPC and



Sections 3(1), 4 and 6 of Dowry Prohibition Act, 1961. Consideration of the contentions of the petitioner's counsel would necessarily involve undertaking a factual probe. As rightly pointed out by the learned counsel appearing for the defacto complainant, under Section 482 Cr.P.C, I cannot do so. Leaving open the petitioner's contentions and defences, this Criminal Original Petition stands dismissed.

3. The first petitioner is the sister-in-law of the defacto complainant. The second respondent is employed in United Arab Emirates. Therefore, it will be very difficult for the petitioners to attend the hearings on a regular basis. Therefore, taking into account the facts and circumstances, the petitioners are permitted to file an application under Section 205 Cr.P.C before the learned trial Magistrate and they can give a special vakalath to the counsel of their choice and the said counsel can represent the petitioners throughout. The learned trial Magistrate is directed to allow the said petition to be filed under Section 205 Cr.P.C. The petitioners can take part in the questioning and also examination under Section 313 Cr.P.C through the counsel. However, the petitioners shall give an undertaking that they would be present on the date of judgment and that they would not dispute their identity at any point of time.

4. Recording the petitioners' undertaking, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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. Additional Mahila Court (Magisterial Level),
Nagercoil.

2. The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-38568[F] dated 14/12/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-38664[F] dated 14/12/2021)

Crl.O.P.(MD)No.11402 of 2021
and
Crl.M.P.(MD)Nos.5796 & 5797 of 2021
13.12.2021

RK(07/01/2021) 3P 6C