



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.16075 of 2021

and

Crl.M.P. (MD)Nos.8643 and 8644 of 2021

1.Murugasan
2.Selvarasi
3.Selvaraj
4.Palaniammal
5.Loganayaki
6.Rajeshkumar

... Petitioners/Accused Nos. 2 to 7

Vs.

1.The State rep by
The Inspector of Police,
All Women Police Station,
Dindigul Town,
Dindigul District.
(Crime No.6 of 2018)

...1st Respondent/Complainant

2.Preethi

...2nd Respondent/Defacto Complainant

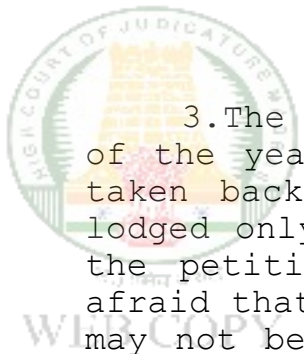
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with the impugned charge sheet in C.C.No.210 of 2019 pending on the file of the learned Additional Mahila Court, Dindigul, Dindigul District and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.S.Sarvagan Prabhu
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1

O R D E R

This criminal original petition has been filed by Accused Nos.2 to 7 to quash the proceedings in C.C.No.210 of 2019 on the file of the Additional Mahila Court, Dindigul, Dindigul District.

2.The second respondent herein is the defacto complainant. The prosecution alleges that the accused have committed the offences under Sections 498(A), 420, 406, 323 and 506(1) of IPC and Section 4 of Tamilnadu prohibition of Harassment of Women Act.



3.The learned counsel for the petitioners relies on a document of the year 2015 to show that the defacto complainant had already taken back all her srithana articles. The case in question was lodged only in the year 2018. Though, this contention advanced by the petitioners' counsel has considerable persuasive value, I am afraid that in exercise of jurisdiction under Section 482 of CrPC, I may not be in a position to consider such a document. If it is a public document, the same can be certainly taken note of. But it is not a public document. Therefore, the petitioners will have to necessarily mark the same and prove it only during trial. That apart, the other contention advanced by the learned counsel for the petitioners also involves undertaking a probe into facts. Therefore, leaving open the petitioners' defences, this criminal original petition is dismissed. The petitioners are based in Kanchipuram. The trial is taking place at Dindigul. If the petitioners are made to attend to every hearing, they will be definitely put to considerable hardships. Taking note of overall facts and circumstances, the personal appearance of the petitioners before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioners only on three occasions namely, to answer the charge, for examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioners need not appear before the Court below. However, on those occasions, the petitioners will have to be represented by their counsel. If the petitioners' counsel is also absent, the benefit of dispensing with the personal appearance of the petitioners will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Judge
Additional Mahila Court, Dindigul,
Dindigul District

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



2.The Inspector of Police,
All Women Police Station,
Dindigul Town,
Dindigul District.

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

Crl.O.P (MD) No.16075 of 2021
11.11.2021

DKS (CO)
KB (25.11.2021) 3P 4C