



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP (MD) No.17301 of 2021

and

Cr1 MP (MD) No.9421 of 2021

1.S.Kalavathi

2.K.Nagaraj

3.N.Valli

4.A.Balu

5.B.Murugeswari

6.A.Amaravathi

7.K.Seeniammal

8.R.Jothimani

9.A.Dhanaseeli

10.R.Jeyanthi

11.A.Pandi

... Petitioners / Accused Nos.1 to 11

vs.

S.Jeyachandran

... Respondent /Complainant

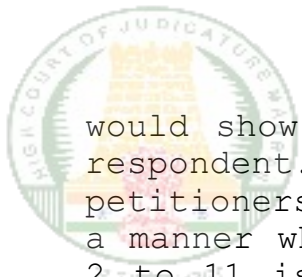
Prayer: Criminal Original Petition filed under Section 482 of Cr.Pc, to call for the records of C.C No.715 of 2021 on the file of the Judicial Magistrate Court No.4, Madurai and quash the same.

For Petitioners : Mr.R.Murugappan
For Respondent : Mr.C.Mayilvahana Rajendran

ORDER

Heard the learned counsel on either side.

2.The petitioners are facing trial in C.C No.715 of 2021 on the file of the Judicial Magistrate Court No.4, Madurai. It is a private complaint. The petitioners would state that the respondent had collected moneys from the villagers by promising them that he would obtain patta for them. But he could not arrange issuance of patta. Therefore, the petitioners demanded the money back. This gave rise to the instant occurrence. A reading of the complaint



would show that it was the first petitioner who had beaten up the respondent. There are no specific overt acts against the other petitioners. Persons like the petitioners are bound to react in such a manner when they get cheated. The implication of the petitioners 2 to 11 is not warranted. Therefore, the impugned proceedings are quashed as regards the petitioners 2 to 11. The first petitioner has to of course face the trial and establish her innocence before the trial court. The criminal original petition is partly allowed. Connected miscellaneous petition is closed.

3.The first petitioner is a woman. Hence, the personal appearance of the first petitioner is dispensed with before the court below. The court below shall not insist her personal appearance unless it is necessary or imperative. Of course, she has to appear on those occasions, namely to answer the charges, examination under Section 313 of Cr.Pc and on the day of pronouncement of judgement. Except the aforesaid occasions, on all other hearings, she has to be represented through his counsel. If her counsel also fails to appear, the benefit of this order will stand automatically vacated.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

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:

The Judicial Magistrate Court No.IV, Madurai

Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

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NSN(CO)

KB(19.01.2022) 2P 3C