



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18853 of 2021

and

Crl.M.P.(MD)Nos.10451 & 10452 of 2021

WEB COPY

1.P.Chelladurai
2.T.Mahadevi
3.P.Selvaraj
4.P.Senthil

... Petitioners/Accused Nos.2,3,5&6

vs.

1.The State rep. by
The Inspector of Police,
All Women Police Station,
Theni.
(Crime No.15 of 2017)

... 1st Respondent/Complainant

2.Selvarani

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records from the Judicial Magistrate, Theni in C.C.No.26 of 2019 and quash the same as it has no prima facie case against the petitioners.

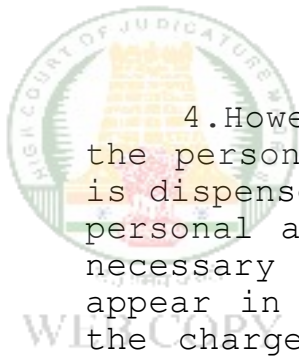
For Petitioner	: Mr.H.Velavadhas
For R1	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.26 of 2019 on the file of the Judicial Magistrate, Theni.

2.The petitioners are facing trial for various offences which include Section 498 A of IPC also. In the very nature of things, contentions facts are involved. When the petitioners' names have been implicated in the statement recorded under Section 161 of Cr.P.C., it would not be open to this Court to quash the impugned proceedings by invoking its inherent powers.

3.Leaving open the petitioners' contentions and defences, this Criminal Original Petition is dismissed. However, the trial Magistrate is directed to conclude C.C.No.26 of 2019 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.



4.However, taking note of the overall facts and circumstances, the personal appearance of the petitioners before the court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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,
Theni.
- 2.Do Through The Chief Judicial Magistrate,
Theni.
- 3.The Inspector of Police,
All Women Police Station,
Theni.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.18853 of 2021
01.12.2021

—
RS (02.12.2021) 2P 5C