



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.18861 of 2021

and

Crl.M.P. (MD)Nos.10459 & 10461 of 2021

WEB COPY

1.Abdul Asis
2.Syed Sirajudeen
3.Nujeema Banu ... Petitioners/Accused Nos.2,4&5
vs.

1.The State rep. by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.22 of 2019) ... 1st Respondent/Complainant

2.Ramisha ... 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the impugned charge sheet in C.C.No.13 of 2020 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil , Kanyakumari District and quash the same as illegal.

For Petitioner : Mr.K.Govindarajan
for Mr.R.Pon Karthikeyan
For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

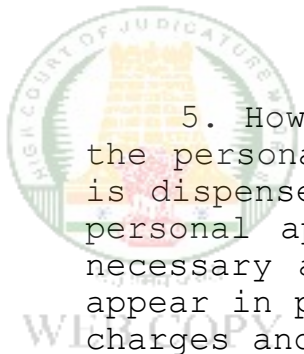
O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.13 of 2020 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari District.

2. The defacto complainant is the wife of the first accused. It is a matrimonial complaint.

3. The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds.

4. Though they are quite persuasive, consideration of the said contention would involve embarking on a factual probe. While exercising jurisdiction under Section 482 of Cr.P.C., I cannot go into the contentious factual matters. Therefore, leaving open the petitioners' defences and contentions, this Criminal Original Petition is dismissed.



5. 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)

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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 Additional Mahila Court (Magisterial Level),
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-36827[F]
dated 01/12/2021)

Crl.O.P. (MD)No.18861 of 2021
01.12.2021

NSN(CO)
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