



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19808 of 2021

and

Crl.M.P.(MD)Nos.11141 and 11143 of 2021

WEB COPY

1. Paramasivam
2. Jeyalakshmi
3. Ezhilarasi

... Petitioners

Vs.

1. The State rep by
The Inspector of Police,
All Women Police Station,
Theni.(Crime No.18 of 2019)

2. Mahalakshmi

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned proceedings in C.C.No.118 of 2021 pending on the file of the learned Additional Mahila Court (JM Level), Theni and quash the same.

For Petitioners : Mr.N.Karthik Kanna
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

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

2.The petitioners are facing trial in C.C.No.118 of 2021 on the file of the Additional Mahila Court (JM Level), Theni for the offences under Sections 498(A), 294(b), 506(i) 494, 34 and 109 of IPC, Section 4 of Dowry Prohibition Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

3.The learned counsel for the petitioners submitted that the son of the petitioners 1 and 2 appeared to have entered into another illicit relationship and that is why, the daughter-in-law has given the present complaint. Whether, the defacto complainant lodged the impugned prosecution out of the said motive or whether there is any truth in the impugned complaint is a matter for the trial Court to decide. It is not possible for this Court to go into contentious matters in exercise jurisdiction under Section 482 of CrPC.



4. Leaving open the petitioners' contentions and defences, this criminal original petition is dismissed. However, taking into account the 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 CrPC 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 (CS-III)

// 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 Judge (JM Level),
Theni.
2. The Inspector of Police,
All Women Police Station,
Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P (MD) No.19808 of 2021

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USK (28.12.2021) 2P 4C