



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD)No.19972 of 2021

and

Crl.M.P. (MD)Nos.11270 & 11271 of 2021

WEB COPY

- 1.Rawuther Gani
 - 2.Jemila @ Jemilabegum
 - 3.Raja Mohamed
 - 4.Sheik Mohamed
 - 5.Mathina Rani
 - 6.Sharmila Banu @ Sharmila @ Rasathi
 - 7.Shabura
 - 8.Beebe Jon
 - 9.Dhawlath @ Dhawlath Beevi
 - 10.Rahamath Nisha
- ... Petitioners /
Accused Nos.1to9 & 11

Vs

- 1.The State rep. by
The Inspector of Police,
Fort All Women Police Station,
Tiruchirapalli District.
(Crime No.19/2019)
 - 2.Absabegum
- ... 1st Respondent/Complainant
... 2nd Respondent/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to C.C.No.992 of 2021 on the file of the Judicial Magistrate, Additional Mahila Court, Tiruchirappalli and quash the same insofar as these petitioners are concerned.

For Petitioners : Mr.K.M.Karunakaran
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for R1.

2. The petitioners are facing trial in C.C.No.992 of 2021 on the file of the Judicial Magistrate, Additional Mahila Court, Tiruchirappalli. for the offences under Sections 498(A), 406, 506(i) of IPC and Sections 9 & 10 of Child Marriage Act. To quash the same, this Criminal Original Petition has been filed.

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

4. I am not persuaded by the same. As rightly pointed out by the learned Additional Public Prosecutor, consideration of the said contentions would necessarily involve undertaking a factual probe. In exercise of jurisdiction under Section 482 of Cr.P.C., I cannot do so. Leaving open the petitioner's contentions and defences, 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 I)

// 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, Additional Mahila Court,
Trichy.



2.The Inspector of Police,
Fort All Women Police Station,
Tiruchirapalli District.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-38923[F] dated
15/12/2021)

Cr1.O.P (MD)No.19972 of 2021
15.12.2021

MGJ(28.12.2021) 3P 5C