



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20663 of 2021

and

Crl.M.P. (MD)Nos.11766 & 11768 of 2021

WEB COPY

1.P.Vinoth Raj
2.R.Palraj
3.P.Dhanalakshmi

... Petitioners / Accused Nos.1 to 3

Vs

1.The State rep. by its
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.4 of 2020)

... Respondent/Complainant

2.P.Sudhalakshmi

... Respondent/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the case in C.C.No.96 of 2020 on the file of the learned Judicial Magistrate, Aruppukottai and quash the same as illegal.

For Petitioners : Mr.J.Jeyakumaran
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. This Criminal Original Petition has been filed to quash the proceedings in C.C.No.96 of 2020 on the file of the learned Judicial Magistrate, Aruppukottai.

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 said contention. As rightly pointed out by the learned Additional Public Prosecutor, consideration of the said contention would definitely involve undertaking a factual probe. Under Section 482 of Cr.P.C., I cannot do so. 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 (W)

// True Copy //

/ /2022

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,
Aruppukottai.
- 2.The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.20663 of 2021
23.12.2021

PS (CO)
GC(27.01.2022) 2P 4C