



Crl.O.P.No.10394 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.10394 of 2022
and CMP.No.6210 of 2022

Irshad Ahamed

... Petitioner

Vs

The Sub Inspector of Police,
All Woman Police Station,
Ammamet,
Salem District.
Crime No.17 of 2020
Respondent

...

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the learned Chief Judicial Magistrate/Additional Mahila Magistrate at Salem dated 31.12.2021 in Crl.MP.No.1957 of 2021 in C.C.No.249 of 2021 by allowing the present criminal original petition.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

The Criminal Original Petition has been filed to set aside the order



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passed by the learned Chief Judicial Magistrate/Additional Mahila Magistrate at Salem dated 31.12.2021 in Crl.MP.No.1957 of 2021 in C.C.No.249 of 2021.

2. The learned counsel for the petitioner submitted that the entire case is based on the matrimonial dispute which had been ended up in a compromise and other proceedings have already been withdrawn and even PW1 to PW3 have stated that they have compromised. He further submitted that as the petitioner is residing away from the Country his personal appearance before the trial Court may be dispensed with.

3. Taking into consideration that the matrimonial dispute had been ended up in a compromise and PW1 to PW3 have also compromised, this Court is of the view that ordering dispense with of the personal appearance of the petitioner before the trial Court would not prejudice any trial, as the matter appeared to be compromised. Such view of the matter order dated 31.12.2021 in Crl.MP.No.1957 of 2021 in C.C.No.249 of 2021 is set aside and the personal appearance of the petitioner before the trial Court is



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dispensed with and he can appear through his counsel.

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4. With the above directions, this Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is also closed.

28.06.2022

dpq

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order

To

1. The Sub Inspector of Police,
All Woman Police Station,
Ammamet,
Salem District.
2. The Chief Judicial Magistrate /
Additional Mahila Court
Salem
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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