



WEB COPY

CrI.O.P.(MD)No.120 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.120 of 2022

and

CrI.M.P.(MD)Nos.88 & 89 of 2022

1.Muthu

2.Meenambigai ... Petitioners / Accused Nos.2 & 3

Vs

1.State rep. by

The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.

(Crime No.5 of 2018) ... 1st Respondent / Complainant

2.Kanaga ... 2nd Respondents / Defacto complainant

PRAYER: This Petition filed under Section 482 Code of Criminal Procedure, to call for the records and quash the charge sheet filed against the petitioner in C.C.No.56 of 2019 on the file of the Additional District Munsif cum Judicial Magistrate, Manamadurai in respect of Crime No.5 of 2018 on the file of the first respondent police.

For Petitioners	: Mr.H.Arumugam
For R1	: Mr.A.Albert James
	Government Advocate (CrI.)

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate for R1.

2. The petitioner is facing trial in C.C.No.56 of 2019 on the file of the Judicial Magistrate, Manamadurai. The petitioners are the in-laws of the defacto complainant. The petitioner's son is said to have passed away few months back.

3. Though the contentions advanced by the petitioner's counsel are quite persuasive, since contentious facts are involved, I am not in a position to invoke inherent power of this court. Therefore, leaving open the petitioner's defences and contentions, this Criminal Original Petition is dismissed.



4. 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.

5. The learned trial Magistrate is directed to dispose of C.C.No.56 of 2019 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

// 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 Additional District Munsif cum Judicial Magistrate,
Manamadurai.

2. The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District.

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

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-879[F] dated 07/01/2022)

CrI.O.P(MD)No.120 of 2022

06.01.2022

BK(CO)

TR(31.01.2022) 2P 5C

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