



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.394 of 2022

and

CrI.M.P. (MD)Nos.296 and 299 of 2022

WEB COPY

- 1.Senthil
- 2.Manickam
- 3.Murugan @ Muthumurugan
- 4.Karunakaran

... Petitioners/
Accused No.4, 5, 8 & 10

Vs.

- 1.The State rep. by its
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.6 of 2020)

... 1st Respondent/Complainant

- 2.Angalaeswari

... 2nd Respondent/
Defacto - Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records bearing in C.C.No.37 of 2021 on the file of the learned District Munsif Cum Judicial Magistrate, Thiruppuvanam, Sivagangai District and quash the same as against the petitioners.

For Petitioners : Mr.M.Jagadeesh Pandian
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (CrI. Side) for R1.

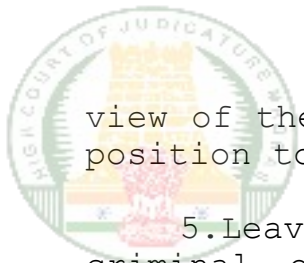
O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (CrI. Side) for the first respondent.

2.This criminal original petition has been filed to quash the proceedings in C.C.No.37 of 2021 on the file of the learned District Munsif Cum Judicial Magistrate, Thiruppuvanam, Sivagangai District.

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

4.The case on hand arises out of a matrimonial complaint. Though the petitioners' role does not appear to be major, still in



view of the contentious nature of the facts involved, I am not in a position to consider the petitioners' counsel contentions.

5. Leaving open the petitioners' rights 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-II)

// True Copy //

/ /2022

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 District Munsif Cum Judicial Magistrate,
Thiruppuvanam, Sivagangai District.
2. The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.394 of 2022
11.01.2022

NSN (CO)
GC (28.01.2022) 2P 4C

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