



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2358 of 2022

and

Crl.M.P(MD)Nos.1726 and 1727 of 2022

Dharmaraj ... Petitioner/Accused No.3

Vs.

1.The State represented by
The Inspector of Police,
Nithiravillai Police Station,
Kanyakumari District.

... Respondent/Complainant

2.Nirmala

... Respondent/
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in respect of C.C.No.6 of 2007 on the file of the Judicial Magistrate No.II, Kuzhithurai and quash the same as against the petitioner.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side) for R.1

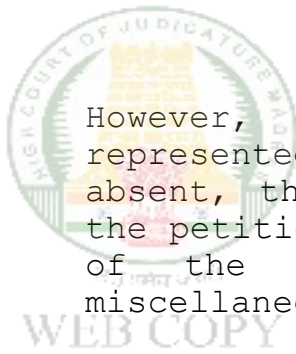
ORDER

This Criminal Original Petition has been filed to quash the impugned proceedings.

2. The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds.

3. Since contentious facts are involved, I am not inclined to take up the matter on merits. This Criminal Original Petition is dismissed.

4. Taking into consideration the facts and circumstances of the case, the personal appearance of the petitioner before the Court below shall stand dispensed with. The Court below will insist on the personal appearance of the petitioner only on three occasions, namely, to answer the charges, examination under Section 313 Cr.P.C., and at the time of pronouncing judgment. On all other occasions, the petitioner need not appear before the Court below.



However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. All the contentions of the petitioner are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 No.II, Kuzhithurai
- 2.The Inspector of Police,
Nithiravillai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.2358 of 2022

and

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SB (CO)

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