



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL MP(MD) No.6934 of 2022

in

CRL OP(MD) No. 10937 of 2022

1 B.MOHAMED KALIFULLAH

2 MOHAMED ASIQ

... PETITIONERS/PETITIONERS
/ACCUSED NOS. 1 & 2

Vs

P.S.SHARFUDEEN

... RESPONDENT/RESPONDENT
/COMPLAINANT

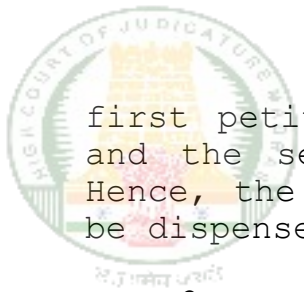
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the Personal Appearance of the petitioner in C.C.No.216/2016 on the file of the Learned Judicial Magistrate No.III Dindigul pending disposal of the main quash petition.

Prayer in CRL OP(MD) . 10937/ 2022 :

To call for the records pertaining to C.C.No.216/2016 on the file of the Learned Judicial Magistrate No.III Dindigul and quash the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.SHEIK ABDULLAH, Advocate for the petitioner, while admitting the Criminal Original petition, the court made the following order:-

The learned counsel appearing for the petitioners submitted that on the complaint lodged by the respondent as against the petitioners, a case has been registered in Cr.No.468 of 2015 for the offences under Sections 447 and 506(i) IPC. After completion of investigation, the respondent police closed the case as 'mistake of fact'. Against which, the respondent/complainant has filed a protest petition before the learned Judicial Magistrate No.III, Dindigul, and the same was taken on file in C.C.No.216 of 2016. Under these circumstances, the petitioners have filed this petition to quash the proceedings in C.C.No.216 of 2016. He further submitted that the



first petitioner is an Advocate practicing at Chennai and Madurai and the second petitioner is a Medical Practitioner in Chennai. Hence, the appearance of the petitioners before the trial Court may be dispense with.

2. Heard both sides.

3. On perusal of records would show that now the case is pending before the learned Judicial Magistrate No.III, Dindigul in C.C.No.216 of 2016. Since the parties are relatives and the first petitioner is a practicing Advocate and the second petitioner is a Medical Practitioner, the personal appearance of the petitioners before the trial Court is dispensed with.

sd/-

21/06/2022

/ TRUE COPY /

29/06/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

+1. C.C. to M/S. SHEIK ABDULLAH.M. Advocate SR.No.5829(I)

ORDER

IN

CRL MP(MD) No.6934 of 2022
in

CRL OP(MD) No. 10937 of 2022

Date : 21/06/2022

VSD

PKP/SVR/SAR-4/29.06.2022/2P/4C