



Crl.O.P.(MD).No.4678 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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1. Jamal Mohamed Zubair

2. Mohammed Mustafa ... Petitioners/Accused Nos. 1 & 2

Vs.

1. The Inspector of Police,
All Women Police Station Town,
Tirunelveli City. ... Respondent/Complainant

2. Parveen Banu ... Respondent/De-facto Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in C.C.No.889 of 2019 dated 06.07.2019 on the file of Judicial Magistrate No.V, Tirunelveli and quash the same as illegal and abuse of process of law.

For Petitioners : Mr.S.Sivasubramanian

For Respondents : Mr.P.Kottaichamy,
Government Advocate(Crl.Side)
for R1
: No Appearance for R2



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ORDER

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This petition has been filed seeking quashment of proceedings in C.C.No. 889 of 2019 dated 06.07.2019 on the file of Judicial Magistrate No.V, Tirunelveli.

2. The learned counsel for the petitioners submitted that the case was posted to 06.11.2023 for framing charges. Hence, he seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

3. In view of the endorsement made by the learned counsel for the petitioners this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioners to raise all the contentions before the learned trial Judge.

4. Considering the nature of the dispute, the personal appearance of the petitioners are dispensed with before the Trial Court, with the following conditions:-

The petitioners shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on the



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hearings, specifically directed by the trial court. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the date of chief examination. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

02.11.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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K.K.RAMAKRISHNAN, J.

dss

To

1. The Judicial Magistrate No.V,
Tirunelveli.
2. The Inspector of Police,
All Women Police Station Town,
Tirunelveli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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