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Crl.O.P.(MD)No.9682 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.9682 of 2023

and

Crl.M.P(MD) No.7775 and 7778 of 2023

Ismail @ Mohamed Ismail

... Petitioner/Accused No.6

Vs.

1. The Inspector of Police,
AWPS-Dindigul Police Station,
Dindigul District.
(Crime No.5 of 2021).

...Respondent No.1/Complainant

2. Aalam Shahana

...Respondent No.2/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned order in C.C. No.240/2022 on the file of the Additional Mahila Court, Dindigul and quash the same as far as the petitioner is concerned.

For Petitioners : Mr.Ramsundarvijayraj S

For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the impugned order in C.C. No.240/2022 on the file of the Additional Mahila Court, Dindigul, and quash the same as far as the petitioner is concerned.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the trial commenced before the trial Court and so far three witnesses have been examined on the side of the prosecution.

3. The learned counsel for the petitioner would submit that this petitioner is the junior paternal uncle of the first accused and he is wrongly impleaded in this matter. Now the trial started and even though the petitioner is residing in Chennai, he is also appearing before the trial Court regularly. Further learned counsel for the petitioner would submit that he would be satisfied if dispense with personal appearance of the petitioner before the concerned trial Court is ordered.



4. After hearing both sides, this Court is not inclined to quash the C.C. No.240 of 2022 on the file of the Additional Mahila Court, Dindigul.

5. Hence, this Court is not inclined to allow this Criminal Original Petition, but however, considering the submission made by the learned counsel for the petitioner and considering that limited role played by the petitioner and his place of residence, his personal appearance before the concerned trial Court is dispensed with on the following condition;

(i)The petitioner shall appear before the Additional Mahila Court, Dindigul District, within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by affixing his recent passport size photograph, to the effect that he will appear before the trial Court as and when required and must ensure his proper representation through Advocate.



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6. With the above said direction, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

06.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

Indu

To

- 1.The Inspector of Police,
All Women Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

Indu

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