



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

CRL.O.P. (MD) No.1444 of 2015
and MP(MD) Nos.1 & 2 of 2015

Indra

.. Petitioner

Vs.

1.The State, represented by its
Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
(Crime No.207/2013)

2.Thangaraj

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to C.C.No.218 of 2014, now pending before the Judicial Magistrate, Vallioor, Tirunelveli District and to quash the same, insofar as it relates to the petitioner.

For Petitioners : Mr.G.Aravinthan
For Respondent 1 : Mr.K.Anbarasan
Government Advocate, (Crl. Side)
For Respondent 2 : No appearance

ORDER

The petition has been filed to quash the case in C.C.No.218 of 2014 on the file of the Judicial Magistrate, Vallioor, Tirunelveli District.

2.The learned counsel for the petitioner submits that on a reading of the FIR, in the case, would at best make out an offence of Section 294(b) against the petitioner/Accused. However, the first respondent filed a charge sheet informing of offence under Sections 294(b), 323 and 506(ii) IPC, both against the petitioner as also her husband. The petitioner is a Panchayat Clerk and the case is a false case alleging misconduct of the petitioner, merely because, she had immediately not handed over the necessary documents required by the de-facto complainant.



3. This petition shall stand dismissed with the observation that what, if any, are the offences committed by the accused separately or jointly, is a matter for trial Court to consider. However, the trial Court may dispense with the presence of the petitioner subject to her swearing to an affidavit informing her address for service, that she duly would be represented by her counsel on all hearing dates, that she would, at no instance, dispute her identity and that, she would appear before the trial court as and when required. Upon the petitioner doing so, the trial court may seek the presence of the petitioner before it, solely on the important hearing dates. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub- Assistant Registrar

To

1.The Judicial Magistrate,
Vallioor,
Tirunelveli District

2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.G.Aravinthan, Advocate, in SR. No.988.

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RR

nsv/19.2.15/2p/5c