



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

CrI.O.P.(MD) No.18157 of 2016

and

CrI MP(MD)Nos.9041 and 9042 of 2016

Nagarajan : Petitioner/1st Accused

-Vs-

1.State rep. By

The Inspector of Police,
All Women Police Station,
Tirunelveli Town.
(Crime No.18 of 2014)

: 1st Respondent/Complainant

2.Ramya

: 2nd Respondent/De-facto
Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.168 of 2015 on the file of the Judicial Magistrate No.IV, Tirunelveli and quash the same and pass such further orders.

For Petitioner : Mr.R.Pon Karthikeyan

For 1st Respondent : Mr.P.Kannithevan

Government Advocate (Criminal side)

For 2nd Respondent : Mr.C.Dhanaseelan

for Intervener

O R D E R

This petition is filed to quash the charge sheet filed in C.C.No.168 of 2015 on the file of the Judicial Magistrate No.IV, Tirunelveli.

2.Mr.S.Pon Karthikeyan, learned counsel appearing for the petitioner would submit that the petitioner has been arrayed as A1 and the quash petition filed by A2 and A3 in CrI.O.P(MD)No.288 of 2016 came to be dismissed by this court on 08.01.2016 with a direction to proceed with the case on day to-day basis, however, due to non execution of Warrant issued against A4, the order could not be complied with. The learned counsel would further submit
<https://hdsrvt.es.ecn.gov.in/hdsrvt/es> that the petitioner has been working in USA and now, he came to India to face the trial and he has also filed a petition in CrI.M.P.No.4897 of 2015 to split up the case, for which the 1st



respondent has also made an endorsement stating 'No Objection'. Despite the same, the learned Judicial Magistrate, has not passed any orders, so far.

3. Mr. C. Dhanaseelan, learned counsel appearing for the intervener would submit that NBW is pending against this petitioner also, which has been suppressed in this petition and after expiry of VISA, the petitioner came to India and after obtaining VISA, he may go again to USA.

4. The learned counsel appearing for the petitioner, in reply, would submit that the petitioner is ready to file an Undertaking affidavit before the trial court stating that the petitioner will not dispute the identity of the witnesses and he is ready to appear before the trial court, whenever his presence is required by the learned Judicial Magistrate.

5. Heard the learned Government Advocate (Criminal side) appearing for the 1st respondent.

6. Considering the facts and the submissions made on either side, this petition is disposed of with a direction to the Judicial Magistrate No.4, Tirunelveli, to pass orders in Crl.M.P.No.4897 of 2015 as expeditiously as possible on merits and in accordance with law and also dispose of the C.C.No.168 of 2015 within a period of three months from the date of receipt of a copy of this order. The personal appearance of the petitioner before the trial court is dispensed with and he is directed to file an undertaking affidavit and appear before the trial court, whenever his presence is required. Consequently, connected Crl.M.P.(MD) No.9041 of 2016 is closed.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To,

The Judicial Magistrate No.IV, Tirunelveli.
+1CC to M/S.R.Pon Karthikeyan, Advocate, SR.No. 61623
+1CC to M/S.C.Dhanaseelan, Advocate, SR.No. 62172

Crl.O.P.(MD) No.18157 of 2016
19.10.2016

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