



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.5002 of 2019

and

Crl.M.P.(MD).Nos.3144 and 3145 of 2019

Krishnaveni

..Petitioner/Accused No.4

Vs.

1.State rep. by,
The Inspector of Police,
District Crime Branch,
Madurai District,
(In Crime No.53 of 2012)

2.Premkumar

.. Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in C.C.No.45 of 2017 pending on the file of the learned Judicial Magistrate No.1, Madurai and quash the same in so far as the petitioner/Accused No.4 concerned.

For Petitioner	: Mr.R.Aravindan
For 1 st Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor
For 2 nd Respondent	: Mr.R.Rajamohan

O R D E R

This petition has been filed to quash the proceedings in C.C.No.45 of 2017 pending on the file of the learned Judicial Magistrate No.1, Madurai.

2.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case with oblique motive. The respondent police conducted the investigation in a mechanical manner and filed the charge sheet as against the petitioner and hence, sought for quashment of the proceedings.

3.The learned Government Advocate (Crl. Side) submitted that there are no materials available to proceed with the case as against the respondent.



the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges framed against the petitioner have to be gone into a full-fledged trial. Further, he would submit that the trial has also been commenced and hence, he prayed for dismissal of the petition.

WEB COPY

4. This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

5. At this juncture, the learned counsel appearing for the petitioner prayed that the personal appearance of the petitioner before the trial Court, may be dispensed with.

6. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that she shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

7. The petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day he is examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts 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**.

8. Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg



To:

1.The Judicial Magistrate No.1,
Madurai.

2.The Inspector of Police,
District Crime Branch,
Madurai District,

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-104468[F] dated 11/12/2019)

+1 CC to M/s.R.ARAVINDAN, Advocate (SR-104614[F] dated 12/12/2019)

Cr1.O.P.(MD).No.5002 of 2019
and
Cr1.M.P.(MD).Nos.3144 and 3145 of 2019

avs(CO)

TR(08.01.2020) 3P 6C