



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No.10593 of 2019

and

Crl.M.P. (MD)Nos.6661 and 6663 of 2019

Murali Babu : Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
Koodalpudur Police Station,
Madurai City and District,
In Crime No.269 of 2014. :1st Respondent/Complainant

2.Jessie Sugunabai : 2nd Respondent/Defato
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.C.No.258 of 2018 on the file of the learned Judicial Magistrate No.IV, Madurai, Madurai District and quash the same as illegal in respect of the petitioner alone.

For Petitioner	: Mr.A.Prasanna Rajadurai
For R1	: Mr.S.Chandrasekar
	Additional Public Prosecutor
For R2	: Mr.N.Sundaresan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.258 of 2018 on the file of the learned Judicial Magistrate No.IV, Madurai, Madurai District.

2.The learned counsel appearing for the petitioner would submit that there is a possibility of amicable settlement between the parties. However, the second respondent is present before this Court today, she would submit that there is no chance for settlement.

3.The learned counsel appearing for the petitioner would submit that the matter relates to the matrimonial dispute and that a case has been registered by breach of trust and cheating by impersonation. He would further submit that admittedly the case of the prosecution is borne out by documents.

4.Per contra, learned Additional Public Prosecutor would submit that there is a specific allegations against the petitioner who has



fabricated the documents and committed the crime of breach of trust by cheating impersonation. He would submit that the respondent have enquired 16 witnesses and recorded their statements also.

5. 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.

6. 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.

7. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that he 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.

8. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him 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 his 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 his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

9. Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petitions are closed. However, the learned Judicial Magistrate No.IV, Madurai, Madurai District is directed to complete the trial in C.C.No.258 of 2018 for a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate No.IV,
Madurai, Madurai District.

2. The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Koodalpudur Police Station,
Madurai City and District.



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

+1 CC to M/s.A.PRASANNARAJADURAI, Advocate (SR-105452[F] dated
17/12/2019)

+1 CC to M/s.N.SUNDARESAN, Advocate (SR-105625[F] dated
18/12/2019)

Cr1.O.P.(MD)No.10593 of 2019
and
Cr1.M.P.(MD)Nos.6661 and 6663 of 2019

VSG

TK/SAR. /03.01.2020/3P/6C