



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.15107 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

S.Muthaiah

... Petitioner/Sole Accused

Vs

Kaliaperumal

... Respondent/complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in Cr.M.P.No.5701 of 2013, pending on the file of the learned learned Judicial Magistrate, Kumbakonam and quash the same.

For Petitioner : Mr.D.Sadiq Raja

For Respondent : Mr.B.Jameel Arasu

O R D E R

The petitioner has filed this criminal original petition for quashing the private complaint lodged by the respondent herein.

2.The respondent has alleged that the petitioner had received a sum of Rs.2,17,000/- for securing a job at Singapore for his son. But when the complainant's son landed in Singapore, he was given a menial job and that he was not even granted permanent visa.

3.The learned counsel appearing for the petitioner reiterated the contentions set out in the quash petition. But they are factual in nature and the inherent powers of this Court cannot be invoked to adjudicate and appreciate such factual aspects. Therefore, leaving all the petitioner's defences, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed. His personal appearance is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by counsel. If the



petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Judicial Magistrate,
Kumbakonam.

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

+1 CC to Mr.B.JAMEEL ARASU, Advocate (SR-98953[F] dated
18/11/2019)

Cr1.O.P. (MD)No.15107 of 2015
15.11.2019

VB(05.06.2020) 2P 4C