



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.12.2019
CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

WEB COPY

Crl.O.P(MD).No.17430 of 2016
and
Crl.M.P.(MD)Nos.8621 and 8622 of 2016

S.B.Suriya Narayanan ... Petitioner / Sole Accused

Vs

State Rep. by

1.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No.864 of 2015)

... Respondent / Complainant

2.Muthukrishnaraja

... Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to C.C.No.205 of 2016, in Crime No.864 of 2015, pending before the learned Judicial Magistrate Court, Rajapalayam, Virudhunagar District and quash the same.

For Petitioner : Mr.K.K.Samy

For R1 : Mr.A.Robinson
Government Advocate (Crl. side)

For R2 : Mr.N.Dilipkumar

ORDER

The petitioner is figuring as the sole accused in C.C.No.205 of 2016, on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District. The second respondent is the de-facto complainant. The allegation of the de-facto complainant is that the petitioner assaulted him on 22.12.2015 at about 21.15 hours and caused him injuries. Hence, Crime No.864 of 2015 was registered on the file of the Rajapalayam South Police Station. It was investigated and final report was filed and cognizance of the offences under Sections 294(b), 323, 324 and 506(ii) of IPC was taken. The case itself was taken on file in the above Calender Case. To quash the same, this Criminal Original Petition has been filed.



2.The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds. Heard the learned counsel appearing for the de-facto complainant.

3.None of the points made out by the petitioner are sufficient for quashing the impugned proceedings. They are rather factual in nature. The petitioner will have to necessarily establish his innocence before the Court below only in a regular trial. Therefore, leaving open all the defences available to the petitioner, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also stand dismissed.

4.Taking into consideration the facts and circumstances of the case, the personal appearance of the petitioner before the Court below shall stand dispensed with. The Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, to 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 his counsel. If the petitioner's counsel is also absent, the benefit of dispensing the personal appearance of the petitioner will stand automatically vacated.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate,
Rajapalayam, Virudhunagar District

2.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

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

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-103182[F]

+1 CC to M/s.K.K.SAMY, Advocate (SR-102946[F] dated 02/12/2019)

Crl.O.P(MD). No.17430 of 2016

02.12.2019

sji

SDS (03.06.2020) 2P-6C

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