



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.17391 of 2018

and

Crl.MP. (MD) Nos.7691 & 7692 of 2018

WEB COPY

1.Mohamed Jawahir

2.Kamila Beham

...Petitioners/Accused Nos.2 & 3

Vs.

State Rep by

1.The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.
(Crime No.7 of 2017).

.... 1st Respondent/Complainant

2.Ramjan Begam

.... 2nd Respondent/Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.117 of 2018 on the file of the Judicial Magistrate, Pattukottai, Thanjavur District and quash the same as against these petitioners.

For Petitioners : Mr.N.Mohideen Basha

For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the C.C.No.117 of 2018 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District, as against these petitioners.

2.The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.7 of 2017 for the offences under Sections 498 (A), 294 (b), 494, 406, 506 (ii) of Indian Penal Code and Section 4 of Dowry Prohibition Act, as against the petitioners and the same has been taken cognizance in C.C.No.117 of 2018, on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District. Hence he prayed to quash the same.



3. The learned Additional Public Prosecutor would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into a full-fledged trial and hence, he prayed for dismissal of the petition.

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 petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with. He would also seek that the time frame may be fixed to the trial Court to complete the trial.

6. Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that the petitioners 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 petitioners further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt 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 stands dismissed. Consequently, connected Miscellaneous Petitions are closed. Since the Calendar Case is of the year 2018, the learned Judicial Magistrate, Pattukottai, Thanjavur District, shall take every endeavour to complete the trial as expeditiously as possible, preferably within a period of four months from the date of next hearing date.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



1.The Judicial Magistrate, Pattukottai, Thanjavur District.

2.The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.

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

**Crl.O.P. (MD) .No.17391 of 2018
and
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VB(02.01.2020) 3P 4C