



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.12.2019**

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD)No. 18248 of 2019

and Crl.M.P. (MD) Nos. 10742 and 10743 of 2019

WEB COPY

Shanthi

... Petitioner/A-7

Vs

1. The State

rep. by its Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
(Crime No. 3 of 2018)

...R7/Complainant

2. Rama Devi

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C. No. 123 of 2019 on the file of the learned Judicial Magistrate, Manapparai and quash the same to the extent of implicating the petitioner/Accused No.7 in the said case.

For Petitioner : M/s.Anbarasi Dhanaseelan

For Respondent-1 : Mrs.S.Bharathi

Government Advocate (crl. Side)

For Respondent-2 : Mr. Pon Karthikeyan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No. 123 of 2019 on the file of the learned Judicial Magistrate, Manapparai.

2. The learned counsel appearing for the petitioners would submit that the petitioners and the second respondent are relatives. Due to matrimonial dispute between the petitioner and the second respondent a false case in Crime No. 3 of 2018 was registered and the same has been taken cognizance in C.C. No. 123 of 2019 on the file of the learned Judicial Magistrate, Manapparai for the offences under Sections 498(A), 294(b), 323 and 406 of IPC. He would also submit that the ingredients of offences would not attract as against the petitioner.

3. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner has 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 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 they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event their 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 her 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**.

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

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Judicial Magistrate, Manapparai.



2. The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.

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

+1 CC to MR.R.PONKARTHIKEYAN, Advocate (SR-106072[F] dated
19/12/2019)

Crl.O.P. (MD)No.18248 of 2019
19.12.2019

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