



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No. 18103 of 2019
and Crl.M.P. (MD) Nos. 10672 & 10674 of 2019

T. Balaji ... Petitioner/Accused No.3

Vs

1. The State rep. by its
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Crime No. 109 of 2018) ... Respondent/Complainant

2. Jonesheela ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in C.C. No 715 of 2019 on the file of the Additional Mahila Court, Tirunelveli and quash the same as illegal as far as the petitioner is concerned.

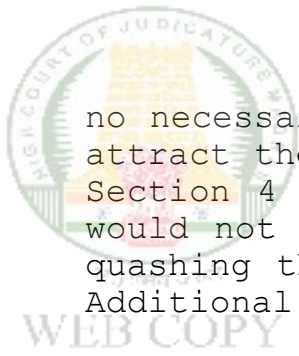
For Petitioner : Mr.M. Suresh

For Respondent-1 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No 715 of 2019 on the file of the Additional Mahila Court, Tirunelveli, for the offences under sections 294(b), 506(i) of IPC and Section 4 of Prohibition of Charging Exorbitant Interest Act, 2003 as against the petitioner.

2. The learned counsel appearing for the petitioner would submit that due to money dispute between the petitioner and the second respondent, after a lapse of one year, the present complaint was lodged against the petitioner. He would further submit that there was already existing civil dispute between the petitioner and the defacto complainant for recovery of money and only counter blast this case has been given. He would also submit that the materials available on records, it is clear that the offences under Sections



no necessary ingredients has been mentioned in the final report to attract the penal offence under Sections 294(b), 506(i) of IPC and Section 4 of Prohibition of Charging Exorbitant Interest Act, 2003 would not attract as against the petitioner. Hence, he prayed for quashing the proceedings in C.C. No 715 of 2019 on the file of the Additional Mahila Court, Tirunelveli.

3. The learned Additional Public Prosecutor appearing for the first respondent police would submit that there are specific allegation as against the petitioner that he abused the defacto complainant with filthy language. He would further submit that the case stands posted for evidence and at this stage, the proceedings cannot be quashed. 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 would submit that the personal appearance of the petitioner before the trial Court, may be dispensed with. He would also seeks that the time frame may be fixed to the trial Court to complete the trial.

6. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that they 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 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 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 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**. The learned Judicial Magistrate, Additional Mahila Court, Tirunelveli is directed to complete the trial in C.C. No. 715 of 2019, as expeditiously as possible and pass final order,



preferably, within a period of **Six Months**, from the date of receipt of a copy of the order.

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

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Additional Mahila Court,
Tirunelveli.
2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-103317[F] dated 04/12/2019

Crl.O.P.(MD)No. 18103 of 2019
04.12.2019

JMN(26.12.2019) 3P : 5C