



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2019**

CORAM:

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

Crl.O.P. (MD)No. 18716 of 2019

and Crl.M.P. (MD) Nos. 10987 & 10988 of 2019

S. Rajarathinam

... Petitioner/A8

Vs

1. The State represented by
The Inspector of Police,
District Crime Branch,
Dindigul.
In Crime No.96 of 2014

... R-1/Complainant

2. K. Karthikeyan

... R-2/defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to the C.C. No. 498 of 2017 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same.

For Petitioner : Mr.M. Sheik Abdullah

For Respondent-1 : Mr.S. Chandrasekar

Additional Public Prosecutor

ORDER

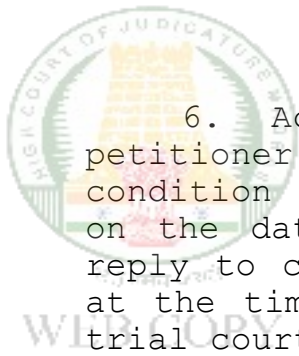
This petition has been filed to quash the proceedings in C.C. No. 498 of 2017 on the file of the learned Judicial Magistrate No.II, Dindigul as against the petitioner.

2. The learned counsel appearing for the petitioner would submit in the identification part of the registration deed, the petitioner has not identified the seller and that the petitioner's profession is Document Writer and hence the ingredients of offences under Sections 419, 420, 465, 468, 471 r/w 120(b) of IPC would not attract as against the petitioner.

3. The learned Additional Public Prosecutor 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 he 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 them 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 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 No.II, Dindigul is directed to complete the trial in C.C. No. 498 of 2017, 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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
District Crime Branch,
Dindigul.

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

Cr1.O.P.(MD)No.18716 of 2019
13.12.2019

sma/20/01/2020/2p/3c