



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No. 18783 of 2019

and

Crl.M.P. (MD) Nos. 11023 & 11025 of 2019

WEB COPY

Pandiselvi

... Petitioner/A1

Vs

1. The State of Tamil Nadu,
Represented by Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No. 406 of 2015)

2. Dr.S. Sonia Devi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the Charge sheet in C.C. No. 167 of 2019 on the file of the learned Judicial Magistrate, Manamadurai, Sivagangai District in Crime No. 406 of 2015 dated 14.07.2015 on the file of the first respondent police and quash the same as illegal as against the petitioner alone.

For Petitioner : Mr.T. Lajapathi Roy
For R-1 : Mr.S. Chandrasekar,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the Charge sheet in C.C. No. 167 of 2019 on the file of the learned Judicial Magistrate, Manamadurai, Sivagangai District in Crime No. 406 of 2015 dated 14.07.2015 on the file of the first respondent police and quash the same as illegal as against the petitioner alone.

2. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are working in the same office. The petitioner did not commit any offence as alleged in the charge sheet. Without application of mind and without conduct any basic enquiry the first respondent police has filed charge sheet before the learned Judicial Magistrate, Manamadurai, Sivagangai District and the same has been taken cognizance in C.C. No. 167 of 2019 for the offences under Sections 120(b), 407, 467, 468 of IPC. He would also submit that the ingredients of offences would not attract as against the petitioner.



3. Heard the learned Additional Public Prosecutor appearing for the first respondent police and perused the materials available on record.

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 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 their 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 stands dismissed. Consequently, connected Petitions are closed.

Sd/-

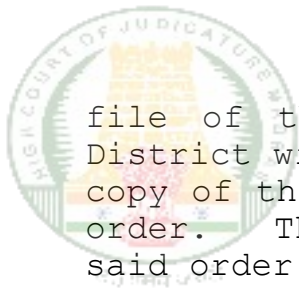
16.12.2019

This Petition having been posted on 10.01.2020 for "Being Mentioned" in pursuance to the order of this court dated 16.12.2019 and made hearin in the presence of the above said Advocate.

This Court made the following order:-

This case is posted today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner..

2. The learned counsel for the petitioner has submitted that this Court at the time of passing the order had directed the trial Court to complete the trial proceedings in CC No. 167 of 2019 on the



file of the learned Judicial Magistrate, Manamadurai, Sivagangai District within a period of six months from the date or receipt of a copy of this order, but the same has not been reflected in the said order. Therefore he requested this Court to make correction in the said order and issue fresh order copy.

3. Hence, Registry is directed to make corrections in the order dated 16.12.2019 and issue fresh order copy.

Sd/-

Assistant Registrar ()

**(*) Amended as per order of this
Hon'ble Court dated 10.01.2020**

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ksa

To

1. The Judicial Magistrate,
Manamadurai,
Sivagangai District.
2. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T.LAJAPATHIROY, Advocate (SR-105456[F] dated 17/12/2019)

Crl.O.P.(MD)No.18783 of 2019
16.12.2019

VB(07.02.2020) 3P 5C