



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.01.2020
CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

Crl.O.P. (MD)No.156 of 2020
and
Crl.M.P. (MD)Nos.30 and 31 of 2020

K.G.krishnakumar : Petitioner
Vs.

1.The Inspector of Police,
Arumanai Police Station
Kanyakumari District

2.Nimimol : Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in SC No. 111 of 2018 on the file of the Fast Track Mahila Sessions Court, Kanyakumari at Nagercoil and to quash the same as against this petitioner.

For Petitioner : Mr.S.C Herold Singh
For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in SC No. 111 of 2018 on the file of the Fast Track Mahila Sessions Court, Kanyakumari at Nagercoil

2.The learned counsel appearing for the petitioner would submit that there is absolutely no recovery in this case. He would also submit that there are several contradictions between the statement of witnesses recorded and hence, sought for quashment of the proceedings.

3.The learned Additional Public Prosecutor submitted 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 framed against the petitioner has to be gone into a full-fledged trial. Further, he would submit that the trial has also been commenced 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 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 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***.

8.Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.30 of 2020 stands closed and Crl.M.P(MD) No.31 of 2020 is ordered.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

aav

To

1. The Fast Track Mahila Sessions Court,
Kanyakumari at Nagercoil

2. The Inspector of Police,
Arumanai Police Station
Kanyakumari District

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to MR.S.C.HEROLD SINGH, Advocate (SR-798[F] dated
08/01/2020)

Crl.O.P. (MD) No.156 of 2020
and
Crl.M.P. (MD) Nos.30 and 31 of 2020
08.01.2020

MK (30.01.2020) 3P 5C