



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2020

CORAM:

WEB COPY

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

Crl.O.P.(MD).No.2381 of 2020

and

Crl.M.P.(MD).Nos.1216 and 1217 of 2020

Ananth

.. Petitioner / 2nd Accused

Vs.

1.The State represented by its,
The Sub-Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.163 of 2015)

... 1st Respondent / Complainant

2.K.Murugan

..2nd Respondent / Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to call for the entire records in relating to the impugned charge sheet in C.C.No.118 of 2017 on the file of the learned District Munsif Cum Judicial Magistrate Court, Ilayangudi and to quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.M.S.Jeyakarthik

For 1stRespondent : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the proceedings in C.C.No.118 of 2017 on the file of the learned District Munsif Cum Judicial Magistrate Court, Ilayangudi in so far as the petitioner is concerned.

2.Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the first respondent.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case, since there is a civil dispute pending between them. He would further submit that the first respondent police conducted the



investigation in a mechanical manner and filed the charge sheet as against the petitioner and hence, sought for quashment of the proceedings.

4. 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 have to be gone into a full-fledged trial and hence, he prayed for dismissal of the petition.

5. 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.

6. 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.

7. 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.

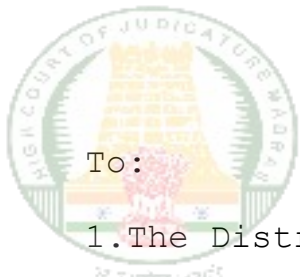
8. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same day he is examined in chief. The petitioner shall not 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 petitioners in accordance with the judgment of Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in **2001 (4) SCC 667**.

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

Sd/-

Assistant Registrar (CS-II)

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To:

1.The District Munsif
Cum Judicial Magistrate Court,
Ilayangudi.

2.The Sub-Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

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

+1 CC to M/s.M.S.JEYAKARTYHIK, Advocate (SR-5878[F]

Cr1.O.P.(MD).No.2381 of 2020

and

Cr1.M.P.(MD).Nos.1216 and 1217 of 2020

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vsg

SDS (02.03.2020) 3P-5C