



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2020

CORAM:

WEB COPY

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

Crl.O.P.(MD)No.1988 of 2020

and

Crl.M.P.(MD)Nos.986 and 989 of 2020

J.Lakshmi Pavithra : Petitioner/Sole Accused

Vs.

S.Rajendran : Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the STC No.504 of 2019 on the file of the Fast Track Court(Judicial Magistrate level) Karur and quash the same.

For Petitioner : Mr.C.Muthusaravanan

ORDER

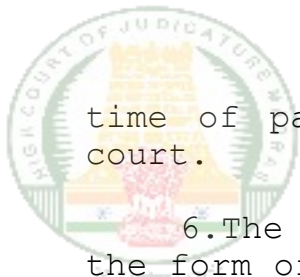
This Criminal Original Petition has been filed to quash the proceedings in STC No.504 of 2019 on the file of the Fast Track Court(Judicial Magistrate level) Karur

2.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case with oblique motive. The 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.

3.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.

4. At this juncture, the learned counsel appearing for the petitioner being a lady her personal appearance of the petitioner may be dispensed with.

5.Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that she 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.

6.The petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her 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 her 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 her 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***.

7.Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.986 of 2020 stands closed and Crl.M.P(MD) No. 989 of 2020 stands ordered.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Judge, Fast Track Court(Judicial Magistrate level), Karur

Crl.O.P. (MD)No.1988 of 2020

and

Crl.M.P. (MD)Nos.986 and 989 of 2020

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