



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P. (MD) .No.1656 of 2020
and CrI.M.P. (MD)Nos. 775 & 777 of 2020

Prakash ..Petitioner/Sole Accused

Vs.

1. The State
Rep. by The Inspector of Police,
Tallakulam Police Station,
Madurai. (Crime No.858 of 2018) ... Respondent/Complainant

2.Gnanavalli ... Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C. No.701 of 2019 on the file of the Judicial Magistrate No.II, Madurai and quash the same.

For Petitioner : Mr.M.Sankar

For 1st Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in C.C. No.701 of 2019 on the file of the learned Judicial Magistrate No.II, Madurai.

2. The learned counsel appearing for the petitioner would submit that the investigation has been done in a slip and short manner and that the entire case of the prosecution is unbelievable 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 this case where the petitioner along with other



accused conspired fabrication of documents, created forged documents and cheated the defacto complainant 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 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 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 stands dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.775 of 2020 stands closed and Crl.M.P(MD) No.777 of 2020 stands ordered.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.II,
Madurai.
2. The Inspector of Police,
Tallakulam Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.1656 of 2020
31.01.2020

GKG (CO)
TR (14.02.2020) 3P 4C