



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2020

CORAM:

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

**Crl.O.P. (MD) .No. 1887 of 2020
and Crl.M.P(MD)Nos. 941 and 942 of 2020**

Vethanayagam

...Petitioner/A1

Vs.

1. The State of Tamilnadu,
represented by the
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

... R-1/Complainant

2. R. Jayakumar Jayaraj

... R-2/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the Final Report in P.R.C.No.17 of 2018 on the file of the Judicial Magistrate No.1, Tirunelveli and quash the same as against this petitioner.

For Petitioners : Mr.J. Barathan
For R-1 : Mr.S. Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the Final Report in P.R.C.No.17 of 2018 on the file of the Judicial Magistrate No.1, Tirunelveli as against this petitioner.

2. The learned counsel appearing for the petitioner would submit that the case has been registered against the petitioner at rivalry due to election dispute. He would further submit that there are several grounds are made out for quashing the petition. The petitioner is not pressing the petition, however, a direction may be issued to the learned trial judge for taking steps to commit the case in PRC No. 17 of 2018.

3. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are specific grounds made out for quashing 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 dilatorious 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.941 of 2020 stands closed and Crl.M.P(MD) No. 942 of 2020 stands ordered.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To

1. The Judicial Magistrate No.I,
Tirunelveli.

2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

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

+1 CC to MR.T.RJEYAPALAM, Advocate (SR-5278[F] dated 07/02/2020)

Crl.O.P.(MD).No.1887 of 2020
07.02.2020

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