



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No. 2841 of 2020

and

Crl.M.P.(MD) Nos. 1501 & 1502 of 2020

WEB COPY

Michel Chandrasekar

... Petitioner/A1

Vs.

1. State rep. by

The Sub-Inspector of Police,
Anjugiramam Police Station,
Kanyakumari District.

... R-1/Complainant

2. Edwin Gribin Rajan

... R-2/Defacto complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for records and quash the private complaint in C.C. No. 88 of 2014 on the file of the learned Judicial Magistrate No.III, Nagercoil and quash the same.

For petitioner

: Mr.V. Balaji

For R-1

: Mr.S. Chandrasekar,

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the private complaint in C.C. No. 88 of 2014 on the file of the learned Judicial Magistrate No.III, Nagercoil.

2. The learned counsel appearing for the petitioner would submit that due to civil dispute between the petitioner and the defacto complainant a false private complaint has been lodged by the defacto complainant as against the petitioner. He would further submit that the alleged offences under Sections 294(b), 427 and 506 (i) of IPC would not attract as against the petitioner. He would further submit that there is no specific overt act as against the petitioner.

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 have to be gone into a full-fledged trial.

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 they 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 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 stands dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.1501 of 2020 stands closed and Crl.M.P(MD) No. 1502 of 2020 stands ordered.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.III,
Nagercoil.
2. The Sub-Inspector of Police,
Anjugiramam Police Station,
Kanyakumari District.



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

CrI.O.P. (MD) .No.2841 of 2020
18.02.2020

VB(06.03.2020) 3P 4C