



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.2439 of 2020

and

Crl.M.P.(MD).Nos.1252 and 1253 of 2020

K.Gaayathrri

..Petitioner/Accused

Vs.

M/S.D.N.C.Chits (P) Ltd.,
Represented by its Divisional Manager,
Branch Office,
No.2841/1,
Sabapathy Avenue, 1st Floor,
Srinivasam Pillai Road,
Thanjavur.

..Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to S.T.C.No.177 of 2019, pending on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur and to quash the said proceedings as against the petitioner herein.

For Petitioner : Mr.G.Thiruvartselvan

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.177 of 2019, pending on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur as against the petitioner herein.

2.Heard learned counsel appearing for the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case, since there is a money dispute pending between the petitioner and the respondent. Hence, he sought for quashment of the proceedings.

<https://hcservices.ecourts.gov.in/hcservices/>



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 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 she is 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 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**.

8.Accordingly, this Criminal Original Petition dismissed. Consequently, Crl.M.P.(MD).No.1253 of 2020 stands ordered and Crl.M.P.(MD).No.1252 of 2020 stands closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg



To:

The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Thanjavur

Cr1.O.P.(MD).No.2439 of 2020

and

Cr1.M.P.(MD).Nos.1252 and 1253 of 2020

12.02.2020

NA (CO)

VB(10.03.2020) 3P 2C