



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. 2810 of 2020

and

Crl.M.P.(MD) Nos. 1484 & 1485 of 2020

WEB COPY

1. Dhanapal Nagulu
 2. Muthulakshmi
 3. Chithra Nayaki
- ... Petitioners/Accused 1 to 3

Vs.

1. State rep. by
The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai City,
In Crime No.11 of 2018
 2. Jayakala
- ... 1st Respondent/Complainant
- ... 2nd Respondent/Defacto complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records pertaining to the impugned charge sheet in C.C. No. 1057 of 2019 pending before the Additional Mahila Court, Madurai and quash the same as illegal.

For petitioners	: Mr.R.M. Anbu Nithi
For R-1	: Mr.S. Chandrasekar,
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C. No. 1057 of 2019 pending on the file of the learned Additional Mahila Court, Madurai.

2. The learned counsel appearing for the petitioners would submit that due to family dispute between the petitioners and the defacto complainant a false complaint has been lodged by the defacto complainant as against the petitioners. He would further submit that there is no specific overt act as against the petitioners for the offences under Sections 498(A), 406 and 506(i) of IPC.

3. The learned Additional Public Prosecutor submitted that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges framed against the petitioners have to be gone into a full-fledged trial. He would further submit that there are totally eight witnesses and the case was posted for the hearing on 09.04.2020 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 petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with and also seek direction for speedy disposal of the case within a stipulated period that may be fixed by this Court.

6. Accepting the said submission, the presence of the petitioners 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 petitioners are further directed to give an undertaking in the form of affidavit that they 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 petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their 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 stands dismissed. However, the learned Additional Mahila Court, Madurai is directed to dispose of the case in C.C. No. 1057 of 2019 within a period of Four months from 09.04.2020. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.1484 of 2020 stands closed and Crl.M.P(MD) No.1485 of 2020 stands ordered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judge, Additional Mahila Court,
Madurai.

2. The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai City,

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

+1 CC to Mr.A.MURALIKUMAR, Advocate (SR-7245[F] dated 20/02/2020)

CrI.O.P.(MD) .No.2810 of 2020
18.02.2020

VB(09.03.2020) 3P 5C