



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2020

CORAM:

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

Crl.O.P.(MD).No.3115 of 2020

and

Crl.M.P.(MD).Nos.1643 and 1644 of 2020

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1.R.R.S.Durairao
2.R.D.Shyam Prakash
3.R.D.Susila
4.R.D.Johnsirani

..Petitioners

Vs.

The State rep. by,
1.The Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai City.
(in Crime No.9 of 2017)

2.S.M.Geetha

.. Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the C.C.No.230 of 2017 on the file of Additional Mahila Court, Madurai and quash the same.

For Petitioners	: Mr.J.Sulthan Basha for M/S.Ajmal Associates
For 1 st Respondent	: Mr.S.Chandrasekar Additional Public Prosecutor

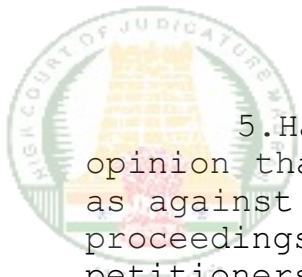
O R D E R

This petition has been filed to quash the proceedings in C.C.No.230 of 2017 on the file of Additional Mahila Court, Madurai.

2.Heard learned counsel appearing for the petitioners and learned Additional Public Prosecutor appearing for the first respondent.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case, since there is a matrimonial dispute pending between the petitioners and the second respondent. He would further submit that the first respondent police conducted the investigation in a mechanical manner and filed charge sheet as against the petitioners and hence, sought for quashment of the proceedings.

4.The learned Additional Public prosecutor appearing for the first respondent police would submit that totally there are eight witnesses in this case. He would further submit that now the case stands posted for recording evidence.



5. Having gone through the records, this Court is of the opinion 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 against the petitioners has to be gone into a full-fledged trial.

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6. 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.

7. 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.

8. Accepting the said submission, the presence of the petitioners 1, 3 and 4 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.

9. The petitioners 1, 3 and 4 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 1, 3 and 4 shall not dispute the identity of the witnesses. The petitioners 1, 3 and 4 shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners 1, 3 and 4 adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 1, 3 and 4 in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

10. Accordingly, this Criminal Original Petition dismissed. However, the Additional Mahila Court, Madurai, is directed to complete the trial in C.C.No.230 of 2017 within a period of six months from today itself. Consequently, connected Miscellaneous Petition in CrI.M.P(MD) No.1643 of 2020 stands are closed and CrI.M.P(MD) No.1644 of 2020 stands partly allowed.

Sd/-

Assistant Registrar ()

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To:

1.The 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 M/s.AJMAL ASSOCIATES, Advocate (SR-7837[F] dated
24/02/2020)

Cr1.O.P.(MD).No.3115 of 2020
and
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VB(10.03.2020) 3P 5C