



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD) No.3302 of 2020

and

Crl.M.P. (MD) Nos.1725 & 1727 of 2020

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1.Karpagam
2.Jeganathan

..Petitioners/A4 & A5

Vs.

1. State represented by
The Inspector of Police,
All Women Police Station Madurai Town,
Madurai. ..1st Respondent/Complainant
(Crime No.3 of 2018)

2.Kumaresan ..2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining in C.C.No.387 of 2019 before the Additional Mahila Court, Madurai and quash the same.

For Petitioners : M/s.A.Banumathy
For R1 : Mr.S.Chandrasekaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to quash the criminal proceedings in C.C.No.387 of 2019 on the file of the Additional Mahila Court, Madurai.

2.Heard the learned counsel appearing for the petitioners and the 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 with oblique motive. 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 there are materials available to proceed with the case as against the petitioners and at the threshold, the criminal proceedings cannot be quashed and the



charges against the petitioners have to be gone into a full-fledged trial.

5.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.

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6.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.

7.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.

8.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 adopt 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 the Hon'ble Supreme Court of India in **State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

9.Accordingly, this Criminal Original Petition stands dismissed. However, the learned Additional Mahila Judge, Madurai, is directed to complete the trial in C.C.No.387 of 2019 within a period of six months from the date of next hearing. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.1725 of 2020 stands closed and Crl.M.P(MD) No.1727 of 2020 stands ordered.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-)

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To:

1.The Additional Mahila Judge,
Madurai.



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

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

CrI.O.P. (MD) No.3302 of 2020
25.02.2020

VB 10.03.2020 3P 4C