



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

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

Crl.O.P. (MD)No.3553 of 2020

and

Crl.M.P. (MD) .Nos.1903 and 1905 of 2020

WEB COPY

1.A.Gunasekaran
2.Baby Kamalam
3.Muneeswari ... Petitioners/Accused Nos.2 to 4
Vs

1.The State rep. by,
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
(Crime No.29 of 2014) ...1st Respondent/Complainant

2.Saranya ...2nd Respondent/Defacto Complainant

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the case in C.C.No.66 of 2015 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same as against the petitioners concerned.

For Petitioners : Mr.S.Balaji

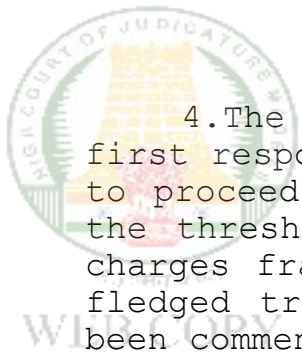
For 1stRespondent : Mr.S.Chandarasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.66 of 2015 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai as against the petitioners concerned.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) for the first respondent Police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are in-laws of the second respondent. Due to matrimonial dispute, a false case has been foisted against the petitioners. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. The respondent police conducted the investigation in a mechanical manner and filed the charge sheet as against the petitioner and hence, sought for quashment of the proceedings.



4.The learned Additional Public Prosecutor appearing for the first respondent Police 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 petitioner have to be gone into a full-fledged trial. Further, he would submit that the trial has also been commenced and hence, he prayed for dismissal of the petition.

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.

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 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.

8.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 him will cross examine the prosecution witnesses on the same day he is examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event of 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 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**.

9.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous petition in Crl.M.P(MD) No.1903 of 2020 stands closed and Crl.M.P(MD) No.1905 of 2020 stands ordered.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



vsg
To

1.The Judicial Magistrate,
Additional Mahila Court, Madurai.

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

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

Crl.O.P. (MD)No.3553 of 2020

and

Crl.M.P. (MD).Nos.1903 and 1905 of 2020

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KK(12.06.2020) 3P 4C