



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

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

Crl.O.P.(MD)No.3780 of 2020

and

Crl.M.P.(MD).Nos.2055 and 2056 of 2020

Prabhakaran

... Petitioner/Accused

Vs

Deivasilai

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in S.T.C.No.483 of 2018 pending before the learned Judicial Magistrate No.1, Ramnad, Ramnad District and quash the same as illegal.

For Petitioner : Mr.R.Babu Jaganath

ORDER

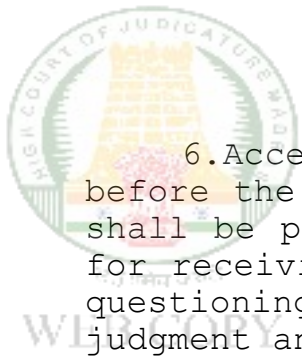
This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.483 of 2018 pending before the learned Judicial Magistrate No.1, Ramnad, Ramnad District, as against the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner is a medical Doctor, he had not borrowed a sum of Rs.20lakh as stated in the complaint, there is no legally enforceable debt. Due to the money dispute, the cheque of the petitioner has been misused by the respondent/complainant and false complaint has been filed. The entire proceedings is a abuse of process of law and thereby seek to quash the proceedings.

3.This Court is of the opinion that the grounds raised by the petitioner is a matter for evidence and the proceedings before the trial Court cannot be interdicted by way of invoking Section 482 Cr.PC.

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 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 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 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.2056 of 2020 stands ordered and Crl.M.P.(MD).No.2055 of 2020 stands closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To:
The Judicial Magistrate No.1,
Ramnad, Ramnad District

Crl.O.P.(MD)No.3780 of 2020

and
Crl.M.P.(MD).Nos.2055 and 2056 of 2020
28.02.2020

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