



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

WEB COPY

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

CrI.O.P. (MD) No.12381 of 2018

and

CrI.M.P. (MD) .Nos.5622 and 5623 of 2018

1.O.Deivam
2.O.Selvam
3.S.Prabu
4.S.Kumar
5.Vijayalakshmi

: Petitioners/Accused 1 to 5

Vs.

1.The State,
Rep. by The Inspector of Police,
Koodal Pudur Police Station,
Madurai City,
Madurai.
(Crime No.724 of 2017)

2.Pandiammal

: Respondents/Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records from the learned Judicial
Magistrate/Additional Mahila Court, Madurai in C.C.No.52 of 2018
dated 13.07.2018 and quash the same.

For Petitioners : Mrs.Saraya
for N.Sathish Babu

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

For 2ndRespondent : Mr.R.Neethi Rajaram

ORDER

This Criminal Original Petition has been filed to quash the
proceedings in C.C.No.52 of 2018, dated 13.07.2018 pending on the
file of the learned Judicial Magistrate/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 civil 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 six witnesses in this case. He would further submit that now the case stands posted on 05.03.2020 for trial.

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.

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 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 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 dilatorical 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**.

10.Accordingly, this Criminal Original Petition dismissed. However, the Judicial Magistrate/Additional Mahila Court, Madurai is directed to complete the trial in C.C.No.52 of 2018 within a period of four months from 05.03.2020. Consequently, connected



Miscellaneous Petition in Crl.M.P(MD) No.5622 of 2018 stands closed and Crl.M.P(MD) No.5623 of 2018 stands ordered.

Sd/-

Assistant Registrar (AD-I)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

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

2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai City,
Madurai.

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

+1 CC to Mr.R.NEETHIRAJARAM, Advocate (SR-8436[F] dated
26/02/2020)

+1 CC to Mr.N.SATHISHBABU, Advocate (SR-8533[F] dated 26/02/2020)

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and
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