



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.12907 of 2016 and

CRL.M.P.(MD)Nos.6053 & 6054 of 2016

1. Sankara Subramanian
2. Radhakrishnan ... Petitioners/Accused Nos.1 and 2

Vs.

1. The State by,
The Inspector of Police,
Seidunganalur police station,
Thoothukudi District.
(Crime No.106 of 2007) ... 1st Respondent/Complainant
2. Ramalakshmi ... 2nd Respondent/Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No.365 of 2009 on the file of the learned Judicial Magistrate, Srivaikuntam, Thoothukudi District and quash the same.

For Petitioners	: Mr.V.Kathirvelu, Senior Counsel, for Mr.C.D.Johnson
For R-1	: Mr.A.Robinson, Government Advocate(Crl. Side).

O R D E R

Heard the learned senior counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the first respondent.

2. This criminal original petition has been filed for quashing the charge sheet in C.C.No.365 of 2009 on the file of the Judicial Magistrate, Srivaikuntam, for the offences under Sections 294(b) and 506(ii) I.P.C. and Section 4 of Women Harassment Act.

3. The learned senior counsel reiterated the contentions set out in the memorandum of grounds.

4. I am of the view that the issues will have to be rather gone into only by the trial Court in a regular trial. Leaving open all the contentions and the defences of the petitioners, the



criminal original petition stands dismissed.

5. It is made clear that this Court has not gone into the merits of the matter. Considering the facts and circumstances of this case, the personal appearance of the petitioners before the Court below is dispensed with.

6. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel.

7. The Court below is directed to conclude C.C. No.365 of 2009 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Srivaikuntam, Thoothukudi District.
2. The Inspector of Police,
Seidunganalur police station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.D.JOHNSON, Advocate (SR-9817[F] dated 03/03/2020)

Crl.O.P.(MD)No.12907 of 2016
28.02.2020

NA(CO)

TR(09.06.2020) 2P 5C