



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.01.2020**

CORAM:

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

Crl.O.P.[MD].No.19695 of 2019

and

Crl.M.P.[MD].No.11524 and 11526 of 2019

1.D.Vengadesan Naidu
2.S.Devaraj Naidu
3.B.R.R.Tamilselvam
4.M.A.Sriramulu Naidu

: Petitioners/Accused 2 to 4/
Accused 2 to 4

Vs.

1.The State Rep. by
The Inspector of Police,
Manapparai Police Station,
Manapparai, Trichy District.
(Crime No.464 of 2014)

..1st Respondent/ 1st Respondent/
complainant

2.V.P.Sankar

: 2nd Respondent/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.106 of 2018, on the file of the learned Judicial Magistrate, Manapparai in Crime No.464 of 2014, on the file of the first respondent police herein and quash the same as against the petitioner concerned.

For Petitioners: Mr.J.Lawrance

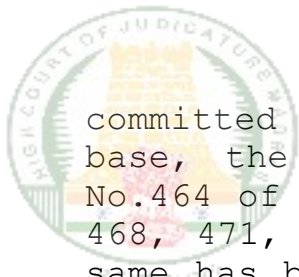
For R-1 : Mr.S.Chandrasekaran
Additional Public Prosecutor

For R-2 : Mr.S.Ravi

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.106 of 2018, on the file of the learned Judicial Magistrate, Manapparai.

2.The learned Counsel appearing for the petitioners would submit to the court that the petitioners are innocent persons and they have not



committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.464 of 2014, for the offences under Sections 120(B), 379, 420, 468, 471, 474 and 34 of IPC, as against the petitioners and the same has been taken cognizance in C.C.No.106 of 2018, on the file of the learned Judicial Magistrate, Manapparai. Hence he prayed to quash the same.

3.The learned Additional Public Prosecutor would submit 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 have to be gone into a full-fledged trial. He would further submit that the trial has also been commenced and P.W.1 has been examined in chief on 24.01.2020 and hence, he prayed for dismissal of the petition.

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 petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with. He would also seek that the time frame may be fixed to the trial Court to complete the trial.

6.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.

7.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 Supreme Court of India, ***in State of Uttar Pradesh Vs. Shambunath Singh***, reported in **2001 (4) SCC 667**.

8.Accordingly, this Criminal Original Petition stands



dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.11526 of 2019 stands closed and Crl.M.P(MD) No.11524 of 2019 stands ordered.

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Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Judicial Magistrate, Manapparai.

2.The Inspector of Police,
Manapparai Police Station,
Manapparai, Trichy District.

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

+1 CC to MR.J.LAWRENCE, Advocate (SR-1894[F] dated 20/01/2020)

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13.01.2020

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