

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No. 1332 of 2018 and
Crl.M.P.Nos.483 & 484 of 2018

1. Kalvarayan
2. Sangeetha
3. Singaravelan
4. Sivakalai
5. Utthirakumar
6. Kutti
7. Poongavanam
8. Santhaselvam
9. Sagunthala Devi
10. Kothandabani
11. Poongavanam

... Petitioners

Vs.

Murugan

... Respondent

Prayer:

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No. 310 of 2017 on the file of the Judicial Magistrate, Tirukoilur and quash the same.

For Petitioners : Mr.K.Kannan

For Respondent : Mr.A. Gokulakrishnan

O R D E R

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners for the offences under Sections 147, 148, 294(b), 323, 324, 354, 427, 447 and 506(ii) IPC r/w section 4 of Women's Harassment Act and the same was taken on file as C.C.No.310 of 2017.

2. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds

before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners are dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C No.310 of 2017 within a period of six months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]. If the petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(Cs-VI)

//True copy//

Sub Assistant Registrar

msm

To

1. The Judicial Magistrate,
Tirukoilur.

+1cc to Mr.A. Gokulakrishnan, Advocate SR.No.22641

Crl.O.P.No. 1332 of 2018 and
Crl.M.P.Nos.483 & 484 of 2018

VSN II(CO)
GMY(08/07/2021)