



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.6785 OF 2017
AND CRL.M.P.NOS.4964 & 4965 OF 2017

R.Ramakrishnan

...Petitioner/
Accused No.4

.Vs.

1. The State
Rep. by The Inspector of Police
Dharapuram Police Station,
Tirupur District.

...1st Respondent/
Complainant

2. S.Balamani

...2nd Respondent/
Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.257 of 2015 on the file of the Judicial Magistrate Court at Dharapuram and quash the same.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.S.Vinoth Kumar
Government Advocate for R1
R2-No appearance

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet filed under Sections 294(b), 323, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of women Act, 1998.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent. There is no appearance on behalf of the second respondent.



3. The main contention of the learned counsel for the petitioner is that there is no materials unearthed during the investigation to attract any of the offences against the present petitioner. It is his further contention that the present petitioner was not at all present at the time of alleged scene of occurrence and he has been unnecessarily arrayed as an accused. The entire materials found in the FIR and final report indicate that A4 allegedly caused hurt on the witness one Balamani and caused simple injuries is vague and uncertain. Therefore his contention is that there is no material of evidence available on record cannot be considered at this stage.

4. In view of the above, this Court is of the prima facie view that the allegation against the petitioner herein that he was present at the time of occurrence or not cannot be gone into under Section 482 of Cr.P.C., and it is left open to the petitioner to establish his stand before the trial Court.

5. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is 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 petitioner 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 judgment.

6. In such a view of the matter, this Court is of the view that quashing of the case cannot be considered, at this point of time. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.257 of 2015 on the file of the Judicial Magistrate Court at Dharapuram as expeditiously as possible. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msv



To

1 The Judicial Magistrate,
Dharapuram.

2 The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Myilsamy, Advocate, S.R.No.59713

Crl.O.P.No.6785 of 2017
and Crl.M.P.Nos.4964 & 4965 of 2017

GPL(CO)
PM/03/12/2021