

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.31047 of 2019
and Crl MP Nos.16903 & 16904 of 2019

1. Prabha
2. Rengasamy

...Petitioners /Accused

vs.

Revathy

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.37 of 2017 on the file of Judicial Magistrate, Tittagudi and quash the same.

For Petitioners: Mr. R.Thirumoorthy
For Respondent : Ms. Malini George

O R D E R

This petition has been filed seeking to quash the proceedings in C.C. No.37 of 2017 pending on the file of the Judicial Magistrate, Tittagudi.

2. The grounds that have been raised by the learned counsel for the petitioners is purely factual in nature and it is seen from records that the petitioners had already filed a discharge petition and the same was dismissed by an order dated 14.10.2019. Thereafter, the present quash petition has been filed before this Court. Even though a quash petition can be maintained, even after the dismissal of the discharge petition, considering the facts and circumstances of the case, this court is not inclined to entertain this quash petition, since it involves appreciation of facts and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioners to raise these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

3. The learned counsel for the petitioners requested this Court to dispense with the appearance of the second petitioner and to permit him to be represented by a counsel. Taking into consideration the facts and circumstances of the case, the appearance of the second petitioner, who is arrayed as A3, is dispensed with and he shall be represented by a counsel who shall cross examine the witnesses on the same day, he is examined in Chief. This second 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.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of two 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 adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jv
To

1. The District Munsif cum Judicial Magistrate,
Tittagudi

2. The Chief Judicial Magistrate, Cuddalore District

+1 CC to Mr.R.Thirumoorthy, Advocate sr 3606.

+3 Ccs to Mrs.Malini George, Advocate sr 3846.

Crl. OP No.31047 of 2019
and Crl MP Nos.16903 & 16904 of 2019

EV(CO)
SP(05/02/2021)