



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P. (MD)No.5656 of 2021

and

Crl.M.P (MD) Nos.3251 and 3252 of 2021

Kamaraj

... Petitioner/
Accused No.1

Vs.

1.The State Rep through
The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
In Crime No.38/2015

... 1st Respondent/
Complainant

2.Harikumar

... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.334 of 2015 on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi and quash the same.

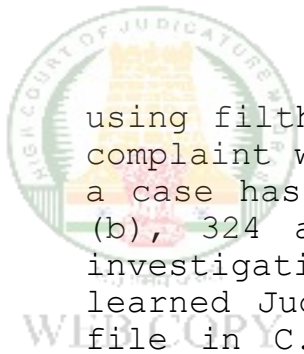
For Petitioner : Mr.D.S.Haroon Rasheed

For R-1 : Mr.R.Srinivasan
Government Advocate (crl.side)

ORDER

The criminal original petition has been filed seeking quashment of the proceedings in C.C.No.334 of 2015 on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi.

2.The case of the prosecution is that the defacto complainant doing the business in Kerala. For attending temple festival, he came to the home town of Thandupathu Village and participated in the Gurupoojai on 01.03.2015. On the next day i.e.,02.03.2015, when the defacto complainant and his brother Selvakumar came by walk after worshiping, the petitioner due to the family property dispute, wrongfully restrained the defacto complainant and assaulted them by



using filthy languages and also criminally intimidated. Hence, a complaint was preferred by the second respondent and based on which, a case has been registered for the offence under Sections 341, 294 (b), 324 and 506(ii) of I.P.C., in Crime No.38 of 2015. After investigation, the respondent police filed a charge sheet before the learned Judicial Magistrate, Sathankulam and the same was taken on file in C.C.No.334 of 2015. Seeking quashment of the aforesaid case, the present petition has been filed.

3.When the matter is taken up for hearing, the learned counsel for the petitioner would submit that though the petition has been filed to quash the charge sheet, he restricted his prayer to effect that the personal appearance of the petitioner before the Court below may be dispensed with, since he has to appear before the trial Court from Chennai.

4.Considering his request and also considering the facts and circumstances of the case, the personal appearance of the petitioner is dispensed with before the trial Court on condition that he must appear before the trial Court within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit stating that he will appear before the trial Court as and when his presence is required, by affixing attested photograph. The learned Judicial Magistrate, Sathangulam, Thoothukudi, is directed to conclude the trial in C.C.No.334 of 2015 within a period of six months from the date of receipt of a copy of this order.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition in Crl.M.P(MD) No.3251 of 2021 is closed and Crl.M.P(MD) No.3252 of 2021 is ordered.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



- 1.The Judicial Magistrate,
Sathankulam, Thoothukudi.
- 2.The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5656 of 2021

20.04.2021

GS (17.06.2021) 3P 4C