



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No.12314 of 2021

and

Crl.M.P. (MD)Nos.6310 and 6311 of 2021

WEB COPY

1. Ravichandran
2. Dhanapal
3. Vasanthi

: Petitioners/Accused Nos.1 to 3

Vs.

- 1.The Inspector of Police
Devipattinam Police Station
Ramanathapuram District

2. Chandran

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the impugned charge sheet in C.C.No.388 of 2018 on the file of the learned Judicial Magistrate No.I, Ramanathapuram

For Petitioners : Mr.G.Karuppasamy Pandian
For R1 : Mr.K.Sanjai Gandhi
Government Advocate(crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.388 of 2018 on the file of the learned Judicial Magistrate No.I, Ramanathapuram.

2.The learned counsel appearing for the petitioners would submit that due to previous enmity a false case has been foisted against the petitioners and the ingredients of the offence is not made out against the petitioners, hence, sought for quashment of the proceedings.

3.The learned Government Advocate (Crl.Side) submitted 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 framed against the petitioners have to be gone into a full-fledged trial. Further, he would submit that the trial has also been commenced 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.

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 shall 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 adopts 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 dismissed. Consequently, connected Miscellaneous Petition in Crl. M.P(MD) No.6310 of 2021 stands closed and Crl.M.P(MD) No.6311 of 2021 is ordered. Further the trial Court is directed to complete the trial proceedings within a period of nine months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate No.I,
Ramanathapuram
- 2.The Inspector of Police
Devipattinam Police Station
Ramanathapuram District



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

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Crl.O.P. (MD) No.12314 of 2021

and

Crl.M.P. (MD) Nos.6310 and 6311 of 2020

26.08.2021

RS (07.09.2021) 3P 4C