



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.18618 of 2021

and

Crl.M.P. (MD)Nos.10306 and 10307 of 2021

Malaivasan

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Siruganoor Police Station,
Siruganoor,
Trichy.

...1st Respondent/Complainant

2.Chitrarasan

...2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in S.C.No.40 of 2021 on the file of the Mahila Court, Trichy and quash the same as illegal.

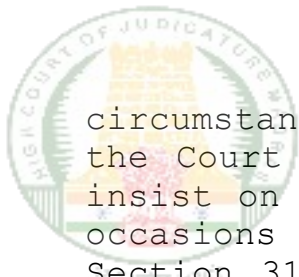
For Petitioner : Mr.J.Madhu
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed to quash the proceedings in S.C.No.40 of 2021 on the file of the Mahila Court, Trichy.

2.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. The petitioner is facing trial for the offences under Sections 279, 337 304(2) and 338 of IPC. As rightly contended by the learned Additional Public Prosecutor for the respondents, considering the petitioner's counsel's contentions would involve undertaking a factual probe. Under Section 482 of CrPC, I cannot do so.

3.Leaving open the petitioner's contentions and defences, this criminal original petition is dismissed. It is for the petitioner to establish his innocence before the Court below in a regular trial, taking into account the over all facts and



circumstances, the personal appearance of the petitioner before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

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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.

To:

1.The Judge, Mahila Court,
Trichy.

2.The Inspector of Police,
Siruganoor Police Station,
Siruganoor,
Trichy.

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

+1 CC to M/s.J. MADHU, Advocate (SR-36606[F] dated 30/11/2021)

Crl.O.P(MD)No.18618 of 2021
26.11.2021

RK(04/12/2021) 2P 5C