



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18920 of 2021

and

Crl.M.P.(MD)Nos.10510 & 10511 of 2021

WEB COPY

S.Mathisekar

...Petitioner/Accused No.1

vs.

1.The State rep. by
Inspector of Police,
Karuppayoorani Police Station,
Madurai District,
Madurai.
(Crime No.12 of 2020)

2.Balaji

... Respondents/Complainant/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the final report in C.C.No.393 of 2021 on the file of the Judicial Magistrate No.II, Madurai District in Crime No.12 of 2020, dated 14.01.2020 on the file of the first respondent and quash the same as illegal as against the petitioners alone.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.393 of 2021 on the file of the Judicial Magistrate No.II, Madurai District.

2. The petitioner is facing trial for the offences under Sections 408, 420, 468, 506(1) & 294(b) of IPC and Section 66C of Information Technology (Amendment) Act, 2008.

3. The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds.

4. As rightly pointed out by the learned Additional Public Prosecutor for the first respondent, consideration of the petitioner's counsel's contentions would necessarily involve undertaking a factual analysis.



5. In exercise of jurisdiction under Section 482 of Cr.P.C., I cannot do so. Leaving open the petitioner's contentions and defences, this Criminal Original Petition is dismissed.

6. However, taking note of the overall facts and circumstances, the personal appearance of the petitioner before the court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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 Judicial Magistrate No.II, Madurai District.

2.The Inspector of Police,
Karuppayoorani Police Station,
Madurai District,
Madurai.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-37003[F] dated
02/12/2021)