



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19804 of 2021

and

Crl.M.P.(MD)Nos.11137 and 11139 of 2021

Antony Raja ... Petitioner/Accused No.3

Vs.

1.The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.

...1st Respondent/Complainant

2.Nanthakumar

...2nd Respondent/
Defacto Complainant

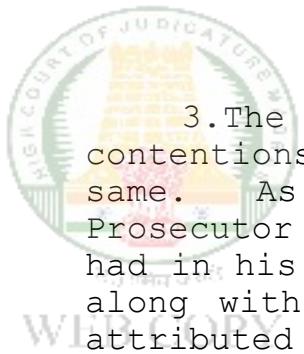
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.221 of 2019 for offences under Sections 294(b), 332 and 506(2) of IPC on the file of the Judicial Magistrate, Tiruchendur and quash the same insofar as it relates to petitioner alone.

For Petitioner	:	Mr.M.Gnanagurunathan
For Respondents	:	Mr.E.Antony Sahaya Prabahar, Addl. Public Prosecutor for R1.

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

2.The petitioner is facing trial in C.C.No.221 of 2019 on the file of the Judicial Magistrate, Tiruchendur for the offences under Sections 294(b), 332 and 506(ii) of IPC. The petitioner along with two others were said to have been riding on a two wheeler on the occurrence date. The first accused had allegedly consumed liquor. The defacto complainant had intercepted the vehicle and a quarrel arose and the occurrence is said to have taken place. That led to the registration of Crime No.118 of 2018 on the file of Tiruchendur police station. Investigation was conducted and final report was filed against all the three accused. Cognizance of the aforesaid offences was also taken. To quash the same, this criminal original petition has been filed.



3.The learned counsel for the petitioner reiterated all the contentions set out in the FIR. However, I am not persuaded by the same. As rightly pointed out by the learned Additional Public Prosecutor appearing for the respondent, the Sub Inspector of Police had in his statement stated that the petitioner had also beaten him along with other accused. Since overt act has been specifically attributed to the petitioner, the petitioner has to necessarily establish his innocence only before the trial Court. All the contentions and defences of the petitioner are left open. This criminal original petition is dismissed. However, taking into account the overall 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 (AS)

// True Copy //

/ /2021

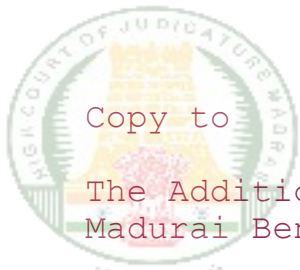
Sub Assistant Registrar(CS)

ias

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,
Tiruchendur.
- 2.The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.



Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-38710[F] dated
14/12/2021)

CrI.O.P(MD)No.19804 of 2021
14.12.2021

MMS (CO)
KB (24.12.2021) 3P 5C