



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20446 of 2021

and

Crl.M.P. (MD)Nos.11647 & 11648 of 2021

WEB COPY

Subramani

... Petitioner / 2nd Accused

Vs

1.The State rep. by

The Inspector of Police,
All Women Police Station,
Theni.

(Crime No.9/2021)

...1st Respondent / Complainant

2.Munaivar Sathyanarayanan

District Child Protection Officer,
District Child Protection Office,
Integrated Government,
Versatile Complex, Theni.

...2nd Respondents /
Defacto complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records and quash the proceedings in Special S.C.No.98 of 2021 on the file of the Fast Track Mahila Court, Theni insofar as the petitioner is concerned.

For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.98 of 2021 on the file of the Fast Track Mahila Court, Theni.

3. The learned Senior Counsel would point out that the statement of the so called victims recorded under Section 164 of Cr.P.C., clearly exonerate the petitioner herein. He fairly conceded that the statements recorded under Section 161 of Cr.P.C., are in favour of the prosecution. He would however add that those statements did not represent the real version of the victims.



4. Though this contention of the learned Senior Counsel is highly persuasive, under Section 482 of Cr.P.C., I will not be in a position to consider the same. Leaving open the petitioner's defences and contentions, this Criminal Original Petition is dismissed.

5. However, taking note of the overall facts and circumstances, the personal appearance of the petitioner before the court below is dispensed with. The petitioner of-course has to appear on all the dates, when the victims are examined. 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 their counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

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 Fast Track Mahila Court, Theni.
- 2.The Inspector of Police,
All Women Police Station,
Theni.
- 3.The District Child Protection Officer,
District Child Protection Office,
Integrated Government,
Versatile Complex, Theni.



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

+1 CC to M/s.K.PRABHU, Advocate (SR-40062[F] dated 22/12/2021)

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21.12.2021

RD(31.01.2022) 3P 6C