

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.1175 of 2019
and
Crl.M.P.No.767 of 2019

R.Subramani
S/o. Ramasamy

...Petitioner/Accused No.5

Vs.

1. State Represented by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.

...Respondents/Complainant

2. V.Jothimani
W/o.Vijayakumar

...Respondent/Defacto Complainant

PRAYER: Criminal Original petition has been filed under Section 482 of Cr.P.C, prayed to call for the records in P.R.C.No.9 of 2014 on the file of the Judicial Magistrate Court No.1 at Tiruppur and quash same.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.R.Vinothraja
Government Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.9 of 2014 on the file of the Judicial Magistrate Court No.1 at Tiruppur.

2.Mr.K.Myilsamy, learned counsel for the Petitioner submitted that as per charge sheet, the Petitioner herein is shown as absconding Accused. In the typed set, he has furnished a document stating that he was in Raipur on the date of occurrence. Further, he also furnished flight ticket and work order and copy of the charges framed by the trial Court. If the submission of the learned counsel for the Petitioner is to be accepted, he ought to have argued for discharge of the Accused before the trial Court. Previously, Charges used to be framed

mechanically by the trial Court. Now, based on the guidelines issued by the Hon'ble Supreme Court that the learned trial Judges through out Tamil Nadu had been given training in the Judicial Academy regarding the importance of framing of charges. The learned trial Judges shall hear the arguments of the Prosecutor as well as defence before proceeding with framing of charges.

3. Here the learned counsel relies on the charges as in the charge sheet by the learned Judicial Magistrate at the stage of PRC Case, pretrial stage before committal by the learned Judicial Magistrate. Therefore, the case is only at P.R.C. Stage and it is a fit case for consideration by the trial Court. By exercising its discretion by this Court under Section 482 of Cr.P.C., it cannot be quashed. Hence, the learned counsel for the Petitioner is permitted to move the case before the trial Court.

With the above observation, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dh

To:

1. The Judicial Magistrate-I,
Tiruppur.
2. The Chief Judicial Magistrate,
Tiruppur.
3. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court, Chennai.

+1cc to M/s.K.Myilsamy, Advocate, S.R.No.20938

CrI.O.P.No.1175 of 2019

SKM(CO)
RGA(19/04/2022)