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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4299 of 2022

and

Crl.M.P.Nos.2161 & 2163 of 2022

1.Juzar Akbar Ali

2.Murtza Ali

... Petitioners

Vs.

1.State, Rep by

The Inspector of Police,

J-13, Taramani Police Station,

Chennai - 600 013.

2.V.Jayakumar

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records and quash the proceedings in C.C.No.2145 of 2021 on the file of the XVIII Metropolitan Magistrate's Court, Saidapet, Chennai.

For Petitioners : Mr.B.Hari Krishnan

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor for R1

O R D E R

The petition has been filed seeking to call for the records and quash the proceedings in C.C.No.2145 of 2021 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The learned counsel for the petitioners would submit that the petitioners are the landlords of the defacto complainant. The defacto complainant was not paid the rents from the year 2013, amounting to a sum of Rs.22,88,000/- and thereby he has given a false complaint against the petitioners.

3. The learned Additional Public Prosecutor would submit that the ground raised by the petitioners is factual in nature and no legal ground has been raised.



4. The petitioners have not made out any legal grounds for quashing the proceedings, the petition lacks merits and is liable to be dismissed.

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5. At this juncture, the learned counsel for the petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with.

6. Accepting the said submission, the presence of the petitioners, before the trial Court shall be dispensed with on condition that the petitioners shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgement and whenever insisted upon by the trial court.

7. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event of his presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with in accordance with the judgement of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition in CrI.M.P.No.2161 of 2022 stands closed and CrI.M.P.No.2163 of 2022 is partly allowed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

jas/tsh



To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
J-13, Taramani Police Station,
Chennai - 600 013.
3. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.4299 of 2022 and
CrI.M.P.Nos.2161 & 2163 of 2022

RSI (CO)
GMY(18/03/2022)