



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.14064 of 2022 & Crl.M.P.Nos.7663 & 7665 of 2022

R.Ramesh @ Ramesh Kumar

... Petitioner/Accused No.2

Vs.

1. State represented by The Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District.
[Crime No.386 of 2017]

2. Muthusamy ... Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertains to the C.C.No.47 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Parangipettai and quash the same.

For Petitioner : Mr.T.Padmanabhan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor - R1

O R D E R

This Criminal Original Petition has been filed to quash the case in C.C.No.47 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Parangipettai for the offences under sections 294[b], 506[ii] and 352 of IPC as against the petitioner.

2. The allegations against the petitioner is that in a wordy quarrel the petitioner is said to have abused the second respondent and assaulted her and hence, the final report has been filed against the petitioner.

3. It is the contention of the learned counsel for the petitioner that first respondent without conducting proper enquiry has filed the charge sheet as against the petitioner and hence, seeks to quash the charges against the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondents submitted that there are prima facie materials against the petitioner and witnesses have clearly spoken about the role played by the petitioner in the commission of the offence and hence, prayed to dismiss this petition.

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

6. The contentions of the learned counsel for the petitioner cannot be gone into at this stage by conducting roving enquiry while exercising its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all his defence before the trial Court and the Court below shall consider the same on its own merits and in accordance with law.

7. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings, within a period of six months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cri) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). In view of the submissions of the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C. and any other dates fixed by the trial Court. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vrc



To,

1. The Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District.

2. The Public Prosecutor,
High Court of Madras.

CrI.O.P. No.14064 of 2022

SR-II(CO)
SB(01/07/2022)