



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22186 of 2021
and
CRL.M.P.Nos.12020 & 12022 of 2021

IM.Sekar

...Petitioner/Accused

Versus

1. The State Rep by its
The Inspector of Police,
District Crime Branch,
Villupuram District,
(Crime No.38/18)

...Respondent/Respondent

2. Ingrid Schuett

...Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for records in C.C.No.49 of 2020 on the file of Judicial Magistrate No.1 at Vanur and quash the same.

For Petitioner : Mr.K.Myilsamy

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor for R1

ORDER

The petitioner/accused, who is an accused in CC.No.49 of 2020, for the offence under Sections 417, 420, 465, 468, 471 IPC, has filed this quash petition.

2.The learned counsel for the petitioner submitted that the dispute between the petitioner and the 2nd respondent has been resolved and compromise deed was entered between them to that effect. He further submitted that the 2nd respondent originally hails from Germany and now, she is in Auroville. She intended to purchase some property and there were some dispute over the same and it is resolved. The learned counsel further submitted that earlier, the petitioner has filed an application seeking anticipatory bail in Crime No.38 of 2018 and has also filed a petition to quash the proceedings in Crime No.38 of 2018, which were strongly objected by the learned Additional Public



Prosecutor that since the investigation has been completed and the charge sheet has also been filed, the compromise is a questionable one and further, the forensic report is against the petitioner. Now, the learned counsel for the petitioner seeks permission of this Court to withdraw this Criminal Original Petition with a liberty to raise the points before the trial Court and sought dispense with of the personal appearance of petitioner during trial.

3. In view of the above submissions of the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn.

4. On the plea of the learned counsel for the petitioner, the petitioner to file a petition under Section 317 Cr.P.C., before the trial Court along with affidavit undertaking that he will not dispute his identity; cooperate with the trial; cross examine the witnesses then and there without seeking any unnecessary adjournments and he will not be cause for delay of the trial. On receipt of the same, the trial Court to consider the petition under Section 205 Cr.P.C. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rap/mp

To

1. The Judicial Magistrate No.1,
Vanar,
2. The Inspector of Police,
District Crime Branch,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.22186 of 2021
and

CRL.M.P.Nos.12020 and 12022 of 2021

GPL(CO)
RGA(14/02/2022)