



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1357 of 2022

and

Crl.M.P. (MD)Nos.1013 and 1015 of 2022

Periyasamy

... Petitioner

Vs.

1.The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.
(In Crime No.760 of 2020)

2.Selvi

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and to quash the C.C.No.112 of 2021 on the file of the Additional District Munsif Cum Judicial Magistrate, Manamadurai, Sivagangai District and quash the same.

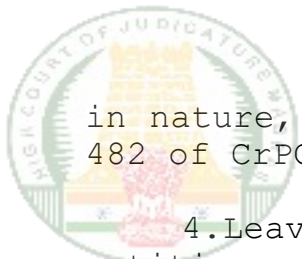
For Petitioner	:	Mr.A.Rajaram
For Respondents	:	Mr.M.Sakthi Kumar, Govt. Advocate (Crl. Side) for R1.

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent.

2.This criminal original petition has been filed to quash the impugned proceedings in C.C.No.112 of 2021 on the file of the Additional District Munsif Cum Judicial Magistrate, Manamadurai, Sivagangai District. The petitioner is facing trial for the offences under Sections 448 and 294(b) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. He would contend that the impugned prosecution is a counter blast to the complaint given by the petitioner herein. Though the contentions of the petitioner's counsel are persuasive, since the facts are contentious



in nature, I am not in a position to invoke the power under Section 482 of CrPC.

4. Leaving open all the defences and contentions of the petitioner, this criminal original petition is dismissed. However, taking note of the overall facts and circumstances, the personal appearance of the petitioner before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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 Additional District Munsif Cum Judicial Magistrate,
Manamadurai, Sivagangai District.

2.The Inspector of Police,
Manamadurai Police Station,
Manamadurai, Sivagangai District.

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

+1 CC to M/s.A.RAJARAM, Advocate (SR-2715[F] dated 28/01/2022)

CrI.O.P(MD)No.1357 of 2022
27.01.2022