



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.820 of 2022

and

Crl.M.P. (MD)Nos.583 and 584 of 2022

Hasan Banu

... Petitioner

Vs.

The State rep. by

1.The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.29 of 2009)

... 1st Respondent/
Complainant

2.Selvaraj

...2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in C.C.No.460 of 2010 dated 12.04.2010 on the file of the learned Judicial Magistrate Court - II, Dindigul and quash the same as illegal insofar as the petitioner concerned.

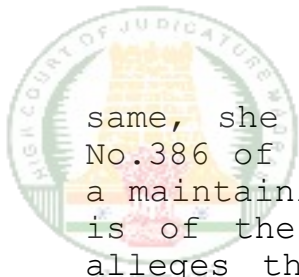
For Petitioner : Mr.K.Krishnan
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side) for R1.

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 proceedings in C.C.No.460 of 2010 on the Judicial Magistrate No.II, Dindigul.

3.Though the learned counsel for the petitioner did advance certain persuasive contentions, I am not in a position to go into the same for two reasons. (a) The petitioner already filed a discharge petition and the same was dismissed. Challenging the



same, she filed a revision case before this Court in Crl.R.C.(MD) No.386 of 2019. It was also dismissed. Therefore, the question of maintaining a quash petition may not really arise. (b) The case is of the year 2010. The complaint by the defacto complainant alleges that a sum of Rs.10 Lakhs was paid by him based on the assurances held out by the accused. Of-course, the transaction was between the first accused and the defacto complainant. But it was the petitioner, who executed the settlement document in favour of the first accused. The defacto complainant alleges collusion between the petitioner and the first accused. These are questions of facts. It is not possible for this Court to consider the same in exercise of jurisdiction under Section 482 of CrPC.

4.Leaving open the defences of the petitioner, this criminal original petition is dismissed. The petitioner is a woman. She is aged about 60 years. Her personal appearance before the Court below is therefore 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 her 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 (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Judicial Magistrate No.II,
Dindigul.

2.The Inspector of Police,
District Crime Branch,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.K.KRISHNA, Advocate (SR-1756[F] dated 19/01/2022)

Crl.O.P(MD)No.820 of 2022
19.01.2022

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