



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.2316 of 2022

and

Crl.M.P. (MD) .Nos.1697 and 1698 of 2022

P.Aravindaj ...Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.5/2020)

...1st Respondent/Complainant

2.Rukmani Devi ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the P R C No.25/2021 on the file of the learned Judicial Magistrate, Parmakudi and quash the same.

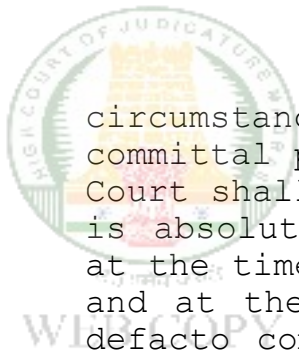
For Petitioner : Mr.P.Mahendran
For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent.

2. The petitioner is a practising lawyer. He has been an accused of having committed rape. Hence at the instance of the second respondent, xxxxx, Crime No.5 of 2020 was registered against the petitioner. Final report has been filed and the committal proceedings are presently pending, at this stage quash petition has been filed.

3. The petitioner's counsel drew my attention to the materials relied upon the prosecution. I do find the contentions of the petitioner's counsel to be highly persuasive. But in a case of this nature, in which contentious facts are involved, it would not be proper to exercise jurisdiction under Section 482 Cr.P.C. I make it clear that I have not gone into the merits of the matter. All the defences are left open. Taking note of the over all facts and



circumstances, the committal Court is directed to conclude the committal proceedings as early as possible. The Sessions Court/Trial Court shall not insist on the petitioner's appearance except when it is absolutely necessary and imperative. The petitioner must appear at the time of framing charges, at the time of examining 313 Cr.P.C. and at the time of pronouncement of Judgment. Of course, when the defacto complainant is examined in chief, the petitioner has to be present. On other occasions, the petitioner's absence will be condoned. It is only enough if the petitioner's counsel appears. The trial Court shall also endeavour to conclude the trial as expeditiously as possible. With these directions and observations, the Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

// 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, Paramakudi.

2.The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.5/2020)

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

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-4157[F] dated 04/02/2022)

Crl.O.P. (MD)No.2316 of 2022

03.02.2022

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