



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.2383 of 2022

and

Crl.M.P.(MD).Nos.1754 and 1755 of 2022

1.Chandrasekar

2.Pachaiyammal

...Petitioner/

Accused No.1 and 2

Vs.

1.The State Rep. by

The Inspector of Police,

Chinnalapatti Police Station,

Dindigul District.

(Crime No.138 of 2018)

...Respondent/Complainant

2.Eshwari

...Respondent/

Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the proceedings in C.C.No.38 of 2019 pending on the file of the learned District Munsif Cum Judicial Magistrate, Athoor, Dindigul District and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.N.Balasubramaniam

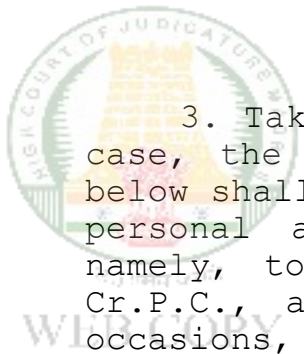
For R1 : Mr.B.Thanga Aravindh

Government Advocate(Crl.Side)

ORDER

The petitioner tried his luck before another learned Judge of this Court. It was in vain. Cat may have nine lives. But not a quash petition that too on the same set of facts and grounds. Of course, I am not on the issue of maintainability. There is absolutely no case made out for entertaining a second quash petition on the same cause of action.

2. It is, however, brought to my notice that there is a cross case in S.T.C.No.19 of 2019 on the file of learned Judicial Magistrate, Athoor. The Court below shall follow the procedure laid in **Nathi lal's case** for trying the case and cross case. With this direction, the Criminal Original Petition is dismissed.



3. Taking into consideration the facts and circumstances of the case, the personal appearance of the petitioner before the Court below shall stand dispensed with. The Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charges, examination under Section 313 of Cr.P.C., 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 (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 District Munsif Cum Judicial Magistrate,
Athoor, Dindigul District
- 2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.2383 of 2022
03.02.2022

SAR(CO)
KB(23.02.2022) 2P 4C