



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.17883 of 2021 and

CRL.M.P.(MD)Nos.9766 & 9767 of 2021

WEB COPY

1. Palaniyappan
2. Selvaraj
3. Ramprasath

... Petitioners / Accused 1 to 3

Vs.

1. The State rep. Through,
The Inspector of Police,
Guziliamparai police station,
Dindigul District.
(Crime No.859 of 2020)

... 1st Respondent / Complainant

2. Vimalarani

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.62 of 2021 on the file of the learned Additional District Munsif cum Judicial Magistrate, Vedasandur and quash the same.

(Amended vide order dated 21.12.2021 in Cr1.M.P.(MD)No.11669 of 2021)

For Petitioners : Mr.J.Sivaram
For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.
For R-2 : Mr.R.Narayanan

O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed to quash the proceedings in C.C.No.62 of 2021 on the file of the Judicial Magistrate, Vedasandur.

3. The second respondent Vimalarani is the defacto complainant. Her case is that on the occurrence date, the offences in question were committed on her. There are specific overt acts against the first petitioner and the second petitioner. However, against the third petitioner Ramprasath, the only allegation is that he criminally intimidated the defacto complainant. The learned counsel appearing for the petitioner would further point out that the third petitioner has been selected in a campus interview and that the pendency of this case would affect his career and life prospectus.



4. Since there are no sufficient materials to prosecute against the third petitioner, I intimated the second respondent that the second respondent need not press her case against the third petitioner herein and thereupon the learned counsel appearing for the second respondent submitted that at the instance of the first petitioner Palaniyappan, she is having prosecuted in C.C.No.74 of 2020 on the file of the Judicial Magistrate, Vendasandur. The first petitioner through his counsel states that he has no objection for quashing the proceedings in C.C.No.74 of 2020 where Vimalarani is the accused.

5. In view of the statement made by the petitioners' counsel, the proceedings in C.C.No.74 of 2020 on the file of the Judicial Magistrate, Vendasandur, against the defacto complainant Vimalarani and her mother stand quashed. The petitioners' counsel also states that he will be satisfied, if the impugned proceedings are quashed in so far as the third petitioner is concerned. For this, the defacto complainant has no objection. Accordingly, the impugned proceedings are quashed as far as the third petitioner Ramprasath is concerned. The first petitioner Palaniyappan and the second petitioner Selvaraj of course will have to face the proceedings in C.C.No.62 of 2021.

6. This criminal original petition is partly allowed. Taking note of the facts and circumstances of this case, the personal appearance of petitioners 1 and 2 before the Court below is dispensed with. However, they have to appear before the Court below on the following three occasions:-

- i) To answer the charges,
- ii) at the time of examination under Section 313 of Cr.P.C. and
- iii) at the time of pronouncement of Judgment.

Petitioners 1 and 2 also will have to appear when their presence is insisted upon by the trial Court and on all other occasions, petitioners 1 and 2 can be represented by their counsel. If their counsel also fails to appear, the benefit of this order will stand vacated automatically. Consequently, connected miscellaneous petitions are closed.

Sd/-

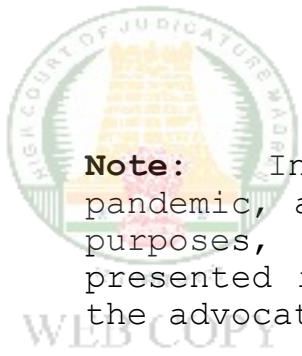
Assistant Registrar(P & A)

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/ /2022

Sub Assistant Registrar(CS)

PMU



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, Vendasandur.
2. The Inspector of Police,
Guziliamparai police station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-1796[F] dated 19/01/2022)

Cr1.O.P.(MD)No.17883 of 2021
11.01.2022

BK(CO)
TR(31.01.2022) 3P 5C