



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20859 of 2021

and

Crl.M.P. (MD)Nos.11961 & 11962 of 2021

WEB COPY

1.RA.Srinivasa Balan

2.S.Rajagopalan

3.Ramani

4.Devi

5.Mohan

... Petitioners/ Petitioners/
Accused (A1-A5)

Vs

1.State represented by
The Sub Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City,
(Crime No.18 of 2016)

...1st Respondent/ Complainant

2.S.Jebaseeli

... Respondent/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the Calender Case in C.C.No.102 of 2017 on the file of the learned Judicial Magistrate / Additional Mahila Court, Madurai and quash the same against the petitioners as illegal.

For Petitioners	: Mr.N.Sudhagar Nagarajan
For R1	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for R1.

2. The petitioners are facing trial in C.C.No.102 of 2017 on the file of the learned Judicial Magistrate/Additional Mahila Court, Madurai.

3. The learned counsel for the petitioners reiterated all the

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contentions set out in the memorandum of grounds and called upon this Court to quash the impugned proceedings.

4. As rightly pointed out by the learned Additional public Prosecutor, since contentious facts are involved, it may not be open to this Court to quash the impugned proceedings while exercising jurisdiction under Section 482 of Cr.P.C. It is for the petitioners to establish their innocence before the court below in a regular trial. All the contentions of the petitioners are left open.

5. However, taking note of the overall facts and circumstances, the personal appearance of the petitioners before the court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel.

6. Since C.C is of the year 2017, the trial court is directed to dispose of the proceedings on merits and in accordance with law within a period of eight months from the next hearing date. This Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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 / Additional Mahila Court, Madurai.

2.The Sub Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.

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

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-248[F] dated
04/01/2022)

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RD(12.01.2022) 3P 5C