



Crl.O.P.(MD) No.13870 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

Crl.O.P.(MD). No.13870 of 2020

and

Crl.M.P.(MD).Nos.6361 and 6364 of 2020

1. Saravanan

2. Velankanni

... Petitioners

Vs.

1. The State rep. by

The Inspector of Police,

Pattukkottai Taluk Police Station,

Pattukkottai, Thanjavur District,

In Crime No.197 of 2014

2. Amirthamary

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to call for the records of learned Judicial Magistrate, Pattukkottai, in C.C.No.166 of 2016 and quash the same as against the petitioners.



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For Petitioners : Mr.S.Deenadhayalan

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)
for R1

ORDER

This petition has been filed to quash the proceedings as against the petitioners herein in C.C.No.166 of 2016 on the file of the learned Judicial Magistrate, Pattukkottai.

2.The case of the prosecution is that on 09.09.2014, the defacto complainant's goats entered into the field of the petitioners. Due to which, there was a wordy quarrel arose between the them. In continuation of the same, on 09.09.2014 at about 04.00 p.m., while the defacto complainant along with goats were proceeded to their residence, at that time, the petitioners said to have abused the defacto complainant by using filthy language and also assaulted her with hands and legs and caused injury and further caused injury with wooden log. Therefore, the defacto complainant gave a complaint. Based on which, the first respondent police registered a case in Crime No.197 of 2014. After the investigation, the respondent Police filed a final report for the offence



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under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Women Harassment Act. The same was taken on file in C.C.No.166 of 2016, by the learned Judicial Magistrate, Pattukkottai. To quash the same, the present petition has been filed.

3. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that the trial commenced and he seeks permission to raise all the points before the trial Court at the time of trial. He further requested this Court to dispense with the appearance of the petitioner before the trial Court during trial. He also submitted that since this case is pending from 2016 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.

4. This Court is inclined to accept the request of the petitioner. Hence, this petition is disposed of with the following directions:

1. The learned Judicial Magistrate, Pattukkottai, is directed to dispose the case in C.C.No.166 of 2016 within a period of six months from the date of receipt of a copy of this order.
2. The petitioners is directed to raise all the points before the trial



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Court.

3. The appearance of the petitioners is dispensed with before the trial Court on all hearing dates except the following hearings:

- (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
- (ii) The date of questioning under Section 313 Cr.P.C;
- (iii) On the date of Judgement.

3.1. The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.

3.2. The petitioners shall not dispute the identity of the witnesses.

3.3. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification.

3.4. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.



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Consequently, the connected Criminal Miscellaneous Petitions are closed.

27.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbm

To

1. The Judicial Magistrate,
Pattukkottai.
2. The Inspector of Police,
Pattukkottai Taluk Police Station,
Pattukkottai, Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

sbn

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