



CrI.O.P.(MD)No.8647 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD) No.8647 of 2024
and
CrI.M.P(MD).Nos.5929 and 5930 of 2024

B.Selvaraj

... Petitioner

versus

1. State Rep. by
The Inspector of Police,
District Crime Branch Police Station,
Dindigul, Dindigul District.
Crime No.15 of 2014

2.T.K.S.P.A.Shanmuga Moorthy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.427 of 2020 on the file of the learned Judicial Magistrate No.II, Dindigul, Dindigul District and quash the proceedings as against the petitioner herein.

For Petitioner

: Mr.C.Suresh Kannan

For R1

: Mr.M.Sakthi Kumar
Government Advocate (CrI.Side)



ORDER

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The petitioner has filed this petition, seeking to quash the proceedings in C.C.No.427 of 2020 on the file of the learned Judicial Magistrate No.II, Dindigul, Dindigul District.

2.The case of the prosecution is that the petitioner and other are said to have grabbed the second respondent's property by creating forged documents. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is arrayed as A6 in this case and he is in no way connected with the first accused and he does not know whether it was a genuine document or not, he simply attested the Xerox copy as its true copy of the original. According to him, the original document was placed before him and without ascertaining whether it is an original one or not, he has certified the Xerox copy.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent submits that the certified copy of the petitioner



was used by the accused for the commission of offence and it is a matter for trial and these grounds can be raised before the trial Court.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

6.Though the petitioner has raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court, during the trial and the learned Judicial Magistrate No.II, Dindigul, Dindigul District, is directed to complete the trial process within a period of six months from the date of receipt a copy of this order. Consequently, the connected miscellaneous petitions are closed.

7.At this juncture, the learned counsel for the petitioner insisted that the petitioner is a Doctor by profession running a clinic



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and requested to dispense with the personal appearance. The petitioner is having a remedy by filing an application before the trial Court under Section 205 of Cr.P.C. Therefore, this Court is not inclined to dispense with the personal appearance of the petitioner. It is open to the petitioner to file an application before the trial Court for dispensing with his personal appearance, which shall be decided by the trial Court on its merits.

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Index : Yes/No

Internet : Yes/No

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To

- 1.The Judicial Magistrate No.II, Dindigul, Dindigul District.
2. The Inspector of Police,
District Crime Branch Police Station,
Dindigul, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J.

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