



Crl.O.P.(MD) No.13063 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD). No.13063 of 2020

and

Crl.M.P(MD). Nos.5967 and 5968 of 2020

Bindu

... Petitioner/Accused No.4

Vs.

1.The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.

2.Laxmikantham

... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in C.C.No.253 of 2010 on the file of the
learned Judicial Magistrate No.IV, Madurai, and quash the same as
illegal with regard to the petitioner alone.

For Petitioner : Mr.N.Anantha Padmanabhan
Senior Counsel
for M/S.APN Law Associates



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For Respondents : Mr.R.M.Sethuraman
Additional Public Prosecutor (for R1)
: No appearance (for R2)

ORDER

This petition has been filed to quash the proceedings as against the petitioner herein in C.C.No.253 of 2010 on the file of the learned Judicial Magistrate No.IV, Madurai.

2.The case of the prosecution is that there are two suits filed and the same were pending between the same parties and the suit in O.S.No.35 of 2008 was filed by the accused party before the learned District Munsif, Madurai Town. The another suit in O.S.No.475 of 2009 was filed by the second respondent/defacto complainant against the accused before the learned Subordinate Judge, Madurai. There was civil suit pending between the parties. Due to which, the petitioner and other accused persons said to have trespassed into the second respondent's house and damaged the north wall of the house worth about Rs.5,000/-. When the same was questioned by the second respondent, the petitioner and other accused said to have threatened her and criminally intimidated



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her. Hence, the defacto complainant gave a written complaint and the same was presented to the Commissioner of Police, Madurai on 07.06.2010 and thereafter, it was transmitted to the first respondent Police Station. On receipt of the same, the first respondent has registered a case in Crime No.732 of 2010 for the offence under Sections 448, 427 and 506(ii) of IPC. After completion of investigation, a final report was filed and the same was taken on file in C.C.No.253 of 2010 by the learned Judicial Magistrate No.IV, Madurai.

3.When the matter is taken up for hearing today (ie., 11.01.2024), the learned counsel for the petitioner submitted that even though there are some arguable points in this petition, he seeks permission of this Court 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 2010 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:



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1. The learned Judicial Magistrate No.IV, Madurai, is directed to dispose the case in C.C.No.253 of 2010 within a period of six months from the date of receipt of a copy of this order.
2. The petitioner is directed to raise all the points before the trial Court.
3. The appearance of the petitioner 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 petitioner is directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates.
- 3.2.** The petitioner shall not dispute the identity of the witnesses.
- 3.3.** The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification.
- 3.4.** If the petitioner adopt any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner



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in accordance with the judgment of Supreme Court of India in
State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001
(4) SCC 667.

Consequently, connected miscellaneous petitions are closed.

11.01.2024

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

To

- 1.The learned Judicial Magistrate No.IV,
Madurai.
- 2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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