



1 *Crl.O.P.(MD) No.14999 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2024

CORAM:

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

Crl.O.P(MD). No.14999 of 2020

and

Crl.M.P(MD). No.7185 of 2020

K.Sakthivasan

... Petitioner/Sole Accused

Vs.

K.Duraipandi

... Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the private complaint in C.C.No.125 of 2020 dated 29.03.2019 on the file of the Judicial Magistrate Court, Melur, Madurai District and quash the same.

For Petitioner : Mr.M.Sathiamoorthy

For Respondent : No appearance

### **ORDER**

The petitioner/Sole Accused filed this petition to quash the proceedings pertaining to the private complaint in C.C.No.125 of 2020 dated 29.03.2019 on the file of the Judicial Magistrate Court, Melur, Madurai District.



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2. According to the prosecution, on 01.10.2003, the present petitioner/Sole Accused and the respondent entered into an agreement for operating Cable TV in Navinipatti Village with one Mr.Sampath and Mr.Chakravarthy, in the name of “Chakra Channels” at Melur. Both of them invested a sum of Rs.75,000/- to run a Cable TV operation with a profit share of 2:1 ratio into an agreement. At the time, both of them approached the Arasu Cable TV Corporation limited and the petitioner got licence from the Government for running Arasu Cable TV operation in his name. Thereafter, there was a dispute arose between them. The petitioner stated that both are share holders and equal share in the profit in the future. The petitioner gave the amount of Rs.10,000 per month as profit to the respondent from the year 2014. Thereafter, the respondent knew that the petitioner was received heavy amount for providing more cable TV connection in the village and the respondent approached the petitioner and questioned relating to his profit amount only Rs.10,000. Thereafter, the petitioner has not paid the profit amount to the respondent from August, 2017. Thereafter, on 04.09.2017 when the respondent demanded share from the petitioner, the petitioner refused to give share and abused him with filthy language and threatened to dire consequences. Hence, the respondent filed a private complaint before the



learned Judicial Magistrate Court, Melur, and the same was taken on file in C.C.nO.125 of 2020 as against the petitioners for the offences under Sections 420, 294(b) and 506(i) of IPC. Challenging the same, the petitioner filed this criminal original petition.

3.Today, when the matter was taken up for hearing, even though there are some arguable points in this petition, the learned counsel for the petitioner seek 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 2020 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 Court, Melur, Madurai District, is directed to dispose the case in C.C.No.125 of 2020, dated 29.03.2019 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) during the course of the examination of the remaining witnesses

(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 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 petition is also closed.

**24.01.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
vsg

To

The Judicial Magistrate,  
Melur, Madurai District.



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**K.K.RAMAKRISHNAN, J.**

*vsg*

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