



Crl.O.P.(MD)No.13256 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13256 of 2024
and
Crl.M.P(MD)Nos.8178 and 8179 of 2024

Lakshmi

... Petitioner

Vs.

Saratha

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS., to call for the records relating to the impugned proceedings in S.C.No.17 of 2023 on the file of the learned Principal District and Sessions Judge, Ramanathapuram District and quash the same.

For Petitioner : Mr.A.Uthayakumar

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders, to call for the records relating to the impugned proceedings in S.C.No.17 of 2023 on the file of the learned Principal District and Sessions Judge, Ramanathapuram District and quash the same.



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2. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that though this petition has been filed to quash the proceedings in S.C.No.17 of 2023 on the file of the learned Principal District and Sessions Judge, Ramanathapuram District, they have restricted their prayer for dispensing with the appearance before the concerned Court. He would further submit that the petitioner is working as Inspector of Police, Sikkal Police Station and it is very difficult to travel from Sikkal to Ramanathapuram to attend the case.

3. It is seen from the records that on the basis of the private complaint lodged by the complainant, the same was taken on file and after complying with necessary requirements, the case was committed to the Principal District Court and the same is pending in S.C.No.17 of 2023.

4.The petitioner has not raised any other valid reason or acceptable ground to impugn the complaint. Considering the above, this Court decides that the quash petition is devoid of merits and the same is liable to be dismissed. Considering the facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that she shall appear at the time of initial questioning, proceedings



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under Section 313 of Cr.P.C., and at the time of passing judgment and on the hearings, specifically directed by the trial court. The petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for her 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**.

5. In the result, the Criminal Original Petition is dismissed. Consequently, connected Crl.M.P(MD)No.8179 of 2024 is ordered and Crl.M.P(MD)No.8178 is closed.

13.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

The Principal District and Sessions Judge,
Ramanathapuram District.



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K.MURALI SHANKAR,J.

DAS

Order made in
Crl.O.P.(MD)No.13256 of 2024
and
Crl.M.P(MD)Nos.8178 and 8179 of 2024

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