



*Crl.O.P.(MD)No.16813 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.16813 of 2024

and

Crl.M.P.(MD)Nos.10549 and 10550 of 2024

1.R.Janaki

2.R.Rajkumar Bharathi

3.R.Anantharaj

... Petitioners

Vs.

1.State of Tamilnadu rep. by  
The Inspector of Police,  
Chatrakudi Police Station,  
Ramanathapuram District.  
(Crime No.223 of 2021)

2.V.Ganga

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records relating to the impugned charge sheet in C.C.No. 334 of 2022 on the file of the learned Judicial Magistrate, Paramakudi and quash the same as illegal.



*Crl.O.P.(MD)No.16813 of 2024*

For Petitioners : Mr.M.Vinoth Raj  
For R1 : Mr.K.Sanjai Gandhi  
Government Advocate (Crl. Side)

### **ORDER**

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.334 of 2022 pending on the file of the Judicial Magistrate, Paramakudi.

2. It is evident from the records that on the basis of the complaint lodged by the second respondent, FIR came to be registered in Crime No. 223 of 2021 and after completing the investigation, the first respondent has filed the charge sheet against the petitioners for the alleged offences under Sections 294(b), 323, 336 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and the case was taken cognizance in C.C.No.334 of 2022 and the same is pending on the file of the Judicial Magistrate, Paramakudi.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the petitioners



*Crl.O.P.(MD)No.16813 of 2024*

are restricting their prayer to dispense with their personal appearance.

WEB COPY

4. Recording the submission made by the learned counsel appearing for the petitioners, the criminal miscellaneous petition in Crl.M.P.No.10550 of 2024 is ordered and accordingly, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all the hearings, specifically directed by the trial court. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts 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*



*Crl.O.P.(MD)No.16813 of 2024*

*vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

WEB COPY

5. With the above direction, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P. (MD)No.10549 of 2024 is closed.

**16.10.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
csm

To

- 1.The Judicial Magistrate,  
Paramakudi.
- 2.The Inspector of Police,  
Chatrakudi Police Station,  
Ramanathapuram District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



***Crl.O.P.(MD)No.16813 of 2024***



WEB COPY



*Crl.O.P.(MD)No.16813 of 2024*

**K.MURALI SHANKAR,J.**

csn

Order made in  
Crl.O.P.(MD)No.16813 of 2024  
and  
Crl.M.P.(MD)Nos.10549 and 10550 of 2024

Dated: 16.10.2024