



1 *Crl.O.P.(MD) No.19499 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD). No.19499 of 2023

and

Crl.M.P(MD). Nos.15289 and 15290 of 2023

P.Muthukrishnan

... Petitioner

Vs.

1.The Inspector of Police,
D-1, Thallakulam Police Station,
Thallakulam, Madurai District.

2.Suriyakala

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in C.C.No.439 of 2023 on the file of the
Judicial Magistrate Court No.II, Madurai, and quash the same against the
petitioner.

For Petitioner : Mr.C.Mahadevan

For Respondent : Mr.R.Meenakshi Sundaram (for R1)
Additional Public Prosecutor



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ORDER

The petitioner/Sole Accused filed this petition to quash the proceedings in C.C.No.439 of 2023 on the file of the Judicial Magistrate Court No.II, Madurai.

2.According to the prosecution, on 17.10.2022, the petitioner went to the office of the defacto complainant, Inspector of Police, Vigilance and Anti Corruption, Madurai and said to have introduced himself as the Inspector of Vigilance, Chennai. But, the petitioner is working as Assistant Security Officer in the Chennai Airport. In order to cheat the defacto complainant, the petitioner went to the defacto complainant's officer. Hence, the defacot complainant gave a complaint. On the basis of the complaint given by the defacto complainant, the FIR has been registered in Crime No.742 of 2022, for the offences under Sections 419, 420 and 170 of IPC. After completion of the investigation, the final report has been filed and the same was taken on file in C.C.No.439 of 2023, by the learned Judicial Magistrate Court No.II, Madurai. Challenging the same, the petitioner filed this criminal original petition.



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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.

4.This Court is inclined to accept the request of the petitioner. Hence, this petition is disposed of with the following directions:

4.1.The petitioners are permitted to raise all the points before the learned Judicial Magistrate and the learned Judicial Magistrate is directed to consider his points on merits independently.

4.2.The appearance of the petitioner is dispensed with before the trial Court on all hearing dates except the following materials hearing dates:-

- (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.

4.2.1. 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.

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4.2.2. The petitioner shall not dispute the identity of the witnesses.

4.2.3. The petitioner shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification.

4.2.4. 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.***

Consequently, Crl.M.P.(MD).No.15290 of 2023 is ordered and Crl.M.P.(MD)No.15289 of 2023 is closed.

14.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The learned Judicial Magistrate Court No.II,
Madurai.
- 2.The Inspector of Police,
D-1, Thallakulam Police Station,
Thallakulam, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer (Records),
Madurai Bench of Madras High Court,
Madurai.



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6 *Crl.O.P.(MD) No.19499 of 2023*

K.K.RAMAKRISHNAN, J.

vsg

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and
Crl.M.P(MD). Nos.15289
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14.11.2024