



Crl.O.P(MD).No.19879 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 15.11.2024

CORAM

The Hon`ble **Mr. Justice K.K.RAMAKRISHNAN**

Crl.O.P(MD).No.19879 of 2024

and

Crl.M.P.(MD)Nos.12254 & 12253 of 2024

1. R. Krishnakumar

2. Suganya

... Petitioners

Vs

Damodharan

.. Respondent

Prayer: Petition filed under Section 528 BNSS, 2023 and Section 482 Cr.P.C., to call for the records relating to the impugned complaint in S.T.C.No.79 of 2024 on the file of the learned Judicial Magistrate (FTC) Kovilpatti and quash the same.

For Petitioners : Mr.V.Sasi Kumar

ORDER

This Petition has been filed to quash the impugned complaint in S.T.C.No.79 of 2024 on the file of the learned Judicial Magistrate (FTC) Kovilpatti.



Crl.O.P(MD).No.19879 of 2024

WEB COPY

2.The learned counsel appearing for the petitioners raised various points before this Court. But, the same are required factual verification and this Court without going into the merits of the case, permitted the petitioners to raise all the points before the learned Magistrate and also the petitioners are permitted to file necessary petition for substantiate his plea of material alteration.

3.The learned counsel appearing for the petitioners requested this Court to dispense with the appearance of the petitioners before the trial Court during the trial.

4.Considering the request of the petitioner, this Court is also inclined to grant relief of personal appearance of the petitioners.

5.Accordingly, this Criminal Original Petition is disposed of with the following directions:-

5.1.The petitioners are permitted to raise all the points before the learned Judicial Magistrate and also the petitioners are permitted to file necessary petition for substantiate his plea of material alteration.



Crl.O.P(MD).No.19879 of 2024

WEB COPY

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

- (i) The date of questioning under Section 313 Cr.P.C;
- (ii) On the date of Judgement.

5.2.1. The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.

5.2.2. The petitioners shall not dispute the identity of the witnesses.

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

5.2.4. If the petitioners adopt 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 Vs. Shambunath Singh*, reported in 2001 (4) SCC 667.

Consequently, Crl.M.P.(MD).No.12254 of 2024 is ordered and Crl.M.P.



Crl.O.P(MD).No.19879 of 2024

(MD)No.12253 of 2024 is closed.

WEB COPY

15.11.2024

Index : Yes / No
Internet: yes / No
NCC : Yes/No
LS

To

- 1.The Judicial Magistrate (FTC),
Kovilpatti.
- 2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.19879 of 2024

K.K.RAMAKRISHNAN,J.,

LS

Crl.O.P.(MD).No.19879 of 2024

15.11.2024