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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P (MD) No.16470 of 2022

and

Crl.M.P (MD) Nos.10959 and 10963 of 2022

- 1.Muthukrishnan
- 2.Marimuthu
- 3.Muthumari
- 4.Rajalakshmi

...Petitioners/
Accused 1 to 4

Vs.

1. Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.

..1st respondent/Complainant

2. Govindaammal

..2nd respondent / Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in CC No.175 of 2018 pending before the learned Judicial Magistrate No.1, Tuticorin, Tuticorin District and quash the same.



For Petitioner : Mr.KA.Raamakrishnan
For Respondents : Mr.S.Ravi
Additional Public Prosecutor
for 1st respondent
Mr.K.Chenguttuvan for R2

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Sections 294(b) and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

2.The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.



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3. The learned Additional Public Prosecutor submitted that the trial has already commenced in this case and P.W.1 to P.W.3 have already been examined in this case.

4. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and they shall be represented by a counsel. The petitioner shall be present before the Court at the time of questioning under Section 313(i)(b) of Cr.P.C., and at the time of passing of the judgment and as and when required by the trial Court.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC No.175 of 2018, within a period of six months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab* [2015 (1) MLJ (Crl) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist



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upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***.

Consequently, connected miscellaneous petitions are closed.

06.01.2025

Index: Yes/No
Internet: Yes/No
PKN

To

1. The Judicial Magistrate No.1,
Tuticorin.
2. Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH.J.,

PKN

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