



Crl.O.P(MD).No.20772 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No. 20772 of 2021

and

Crl.M.P(MD).Nos.11856 and 11859 of 2022

Mrs.Kiranal Roobi @ Kerenal Ruby Joshua

... Petitioner

Vs.

1.The State Rep. by

The Sub Inspector of Police,
Asaripallam,
Kanyakumari District.
(In Crime No.166 of 2016)

... 1st Respondent / Complainant

2.Mr.D.Lathi Jenil Jose

... 2nd Respondent / Defacto
Complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.185 of 2019 on the file of the learned Judicial Magistrate No.1, Nagercoil in Crime No.166 of 2016 on the file of the first Respondent and quash the same in respect of the petitioner as illegal.

For Petitioner

: Mr.Anto Prince

For R1

: Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

For R2

: Mr.P.T.Ramesh Raja



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ORDER

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The petitioner has filed this petition seeking quash of C.C.No.185 of 2019 on the file of the learned Judicial Magistrate No.1, Nagercoil against this petitioner.

2. The offences with which the petitioner has been charged are under Sections 294(b), 323, 324, 342 and 506(2) IPC. It is seen that there are some averments against the petitioner in the complaint. Therefore, it is not possible for this Court to quash the proceedings as such.

3. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is given liberty to raise all his contentions, including the contentions raised in this Criminal Original Petition at the time of trial. Consequently, the connected Miscellaneous Petitions are closed.

4. In the circumstances, the learned counsel appearing for the petitioner seeks to dispense with the personal appearance of the petitioner before the trial Court.



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5. Taking into consideration of the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for her appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct those appearance on those days.

30.04.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
dss

To

1.The Judicial Magistrate No.1,
Nagercoil.

2. The Sub Inspector of Police,
Asaripallam,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

dss

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