



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD).No.13660 of 2020

and

Crl.M.P.(MD) No.6298 of 2020

WEB COPY

D.Ruby

..Petitioner/Accused

Vs

1.The Inspector of Police,
District Crime Branch,
Thanjavur District,
(Crime No.6/2014)

..1st Respondent/Complainant

2.The Manager,
TATA AIG General Insurance Company Ltd,
2nd Floor, Samsung Tower,
No.403-L, Pantheon Road,
Egmore,
Chennai-600 008.

..2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned Charge Sheet in CC No.14 of 2016, on the file of the learned Judicial Magistrate No.III, Thanjavur.

For Petitioner : Mr.T.Veerakumar

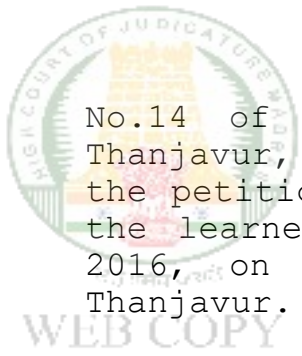
For R1 : Ms.S.E.Veronic Vincent

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the impugned Charge Sheet in CC No.14 of 2016, on the file of the learned Judicial Magistrate No.III, Thanjavur.

2.The learned counsel appearing for the petitioner would submit that one Subbaiah has given complaint alleging that the petitioner's car dashed against the said Subbaiah and caused injuries to him, based on which, Crime No. 81 of 2013 has been registered for the offences under Sections 279 & 337 of IPC and subsequently, the case was disposed of on 05.09.2013. Subsequently, it is alleged that the 1st accused in this case namely Kumaran has created forged Insurance certificate towards the said car and given to the petitioner, for which, the 1st respondent police has registered a case in Crime No.6 of 2014, for the offences under Sections 420 r/w 120(b) & 511 of IPC and filed a Charge Sheet in CC



No.14 of 2016, before the learned Judicial Magistrate No.III, Thanjavur, wherein, the petitioner was arrayed as A2. According to the petitioner, she is innocent and never committed offence. Hence, the learned counsel would pray to quash the case in CC No.14 of 2016, on the file of the learned Judicial Magistrate No.III, Thanjavur.

3.The learned Government Advocate would state that the offences are under Sections 420 r/w 120(b) & 511 of IPC and therefore would vehemently object for quashing the said case.

4.The learned counsel for the petitioner would submit that since the petitioner is aged about 51 years, her personal appearance before the trial Court may be dispensed with.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent and perused the materials available on record. In view of the order going to be passed, notice to the second respondent is not necessary.

6.The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

'9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.'

7.Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioner and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial. Considering the facts and circumstances of the case, this Court is not inclined to quash the case in CC No.14 of 2016, on the file of the learned Judicial Magistrate No.III, Thanjavur. However, considering the fact that the petitioner is aged about 51, her personal appearance before the trial Court is dispensed with, except on the date that the learned Judicial Magistrate insists her presence.



8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.III, Thanjavur.
- 2.The Inspector of Police,
District Crime Branch,
Thanjavur District,
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

Crl.O.P. (MD) .No.13660 of 2020

and

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VB (22.12.2020) 3P 4C