



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**Crl.O.P. (MD)No.14846 of 2020
and Crl.M.P. (MD)Nos.7065 & 7066 of 2020**

Menaka ... Petitioner/2nd Accused

Vs.

1.The Inspector of Police,
Nerkkuppai Police Station,
Sivagangai District.

...1st Respondent/Complainant

2.Easwaran

...2nd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case in S.C.No.104 of 2018 on the file of the Sub Court, Sivagangai and quash the same as against this petitioner.

For Petitioner : Mr.R.Balakrishnan

For R1 : Ms.S.E.Veronica Vincent,
Government Advocate.

ORDER

This criminal original petition has been filed to quash the case in S.C.No.104 of 2018 on the file of the Sub Court, Sivagangai.

2.The learned counsel appearing for the petitioner would submit that there is civil dispute between the petitioner and the second respondent, due to which, the second respondent filed a complaint before the first respondent and the same was registered in crime No.59 of 2014. The first respondent police, after completion of investigation, filed charge sheet in S.C.No.104 of 2018 on the file of the Sub Court, Sivagangai. He would further submit that the dispute between the parties is purely civil in nature and the same is projected as criminal offence and hence, the petitioner filed the present petition seeking the aforesaid relief.



3.Heard the learned counsel for the petitioner and perused the materials available on record. In view of the order going to be passed, notice to the second respondent is not necessary.

4.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.'

5.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. However, the personal appearance of the petitioner before the trial Court is dispensed with except during the dates on which, the learned Judicial Magistrate insists their appearance if it is necessary. Considering the facts and circumstance of the case, the Sub Court, Sivagangai, is directed to conclude the entire trial proceedings within a period of four months from the date of receipt of a copy of this order. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

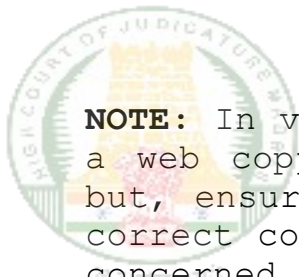
Assistant Registrar (AD I)

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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.

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To

- 1.The Judge, Sub Court,
Sivagangai.
- 2.The Inspector of Police,
Nerkkuppai Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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