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CrI.O.P.(MD)No.20580 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.20580 of 2023

and

CrI.M.P.(MD).No.16093 of 2023

1.Velsamy

2.Ponnuthai

3.Ravi

4.Alagar

... Petitioners

Vs.

1.State represented by
the Inspector of Police,
Theni Police Station,
Theni.
(Crime No.8 of 2022)

2.Ramadevi

3.Murugan ...Respondents
(Respondent No.3 is suo motu impleaded as per Order of this Court dated
17.11.2023 in CrI.O.P.(MD).No.20580 of 2023)

PRAYER: Criminal Original Petition is filed under Section 482 of
Cr.P.C, to call for the records relating to the proceedings in C.C.No.50 of
2023 on the file of the learned Additional Mahila Judge, Theni and quash
the same as against the petitioner.



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For petitioners

: Mr.Azagar Sami

For R-1

: Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)

For R-2

: Mr.M.Ramasubramanian

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.50 of 2023 on the file of the learned Additional Mahila Judge, Theni as against the petitioners herein.

2. The case of the prosecution is that due to matrimonial dispute arose between the first petitioner and the second respondent, the petitioners herein abused the second respondent by using filthy language and assaulted her with hands and demanded her more money and jewels. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered FIR in Crime No.08 of 2022 and conducted investigation and on completion of investigation, the respondent Police has filed a charge sheet in C.C.No.50 of 2023 on the file of the Additional Mahila Court, Theni, for the offence punishable under Sections 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, Section 4 of Dowry Prohibition Act, 1961 and



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Sections 294(b), 323, 406 and 498(A) IPC. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation made against the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. Heard the learned counsel appearing for the second respondent.

6. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners, if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put



forth their defence. The petitioners cannot be let by quashing the charges framed against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against them. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***

7. For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in C.C.No.50 of 2023 before the learned Additional Mahila Judge, Theni. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

8. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense with the personal appearance of the petitioners before the court below.

9. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their 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



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which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. However, liberty is granted to the petitioners to canvass all the grounds, which are all raised in the present petition, before the trial Court at the time of trial.

27.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
TSG
To

- 1.The Additional Mahila Court, Theni.
- 2.The Inspector of Police,
Theni Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

M.DHANDAPANI. J.



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