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CRL.O.P.No.9577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.No.9577 of 2024

and

CRL.MP.No.6644 of 2024

1. Punitha

2. Suthanthiram

... Petitioners

Vs.

Mr.Raja

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.1097 of 2023 on the file of the Judicial Magistrate Court No.III, Salem.

For Petitioners : Mr.D.Ashokkumar

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.1097 of 2023 on the file of the Judicial Magistrate



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Court No.III, Salem.

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2. The case of the prosecution is that the de facto complainant namely Navamani has lodged a complaint as against the petitioners in Crime No.59 of 2023 for involving in the activities of stealing materials which was kept for construction of primary health centre. However, with regard to the very same issue, the petitioners have also lodged a complaint as against the respondent and other accused persons in Crime No.56 of 2023. Seeking to quash the C.C.No.1097 of 2023 on the file of Judicial Magistrate Court III, Salem, 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 as against the petitioners. He further submits that the appearance of the petitioners before the trial court may be dispensed with.

4. Heard the learned counsel for the petitioner and perused the materials placed on record.



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5. 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)* .

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.1097 of 2023 on the file of the Learned Judicial Magistrate No.III, Salem. Accordingly, this Criminal Original Petition is dismissed. 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,



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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 petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petition is closed.

7. In view of the order passed in Crl.O.P.No.9577 of 2024, no order needs to be passed in Crl.M.P.No.6646 of 2024 filed seeking to dispense with the personal appearance of the petitioners. Accordingly, the Crl.M.P.No.6646 of 2024 stands closed.

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Index: Yes/No

Internet: Yes/No

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To



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M.DHANDAPANI , J.



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