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CRL.O.P.No.9507 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.9507 of 2024

and

CrI.MP.Nos.6601 and 6602 of 2024

V.S.Gunaseelan

... Petitioner

Vs.

1. The State represented by
the Inspector of Police,
Pollachi Town Police Station East,
Pollachi.

2. J.Rajasekar

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to the proceedings in S.T.C.No.649 of 2021 on the file of the Judicial Magistrate No.I, Pollachi quash the same.

For Petitioner : Ms.A.L.Gandhimathi
Senior Counsel for
Mr.L.Palani Muthu



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For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the the proceedings in S.T.C.No.649 of 2021 on the file of the Judicial Magistrate No.I, Pollachi.

2. The case of the prosecution is that the petitioner, his wife and his son are the owners of the property bearing S.No.149 situated in Kattur Road, wherein, a Memorandum of Understanding (MoU) was entered into between the petitioner and the de facto complainant on 07.10.2015. Thereafter, the de facto complainant has given a complaint in FIR No.146 of 2020 alleging that the petitioner has trespassed into the places where the petitioner had given lease to the de facto complainant and has abused the de facto complainant with filthy language and had threatened him with dire consequences. The prosecution has also filed a charge sheet in STC No.649 of 2021 on the file of Judicial Magistrate



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filed.

No.I, Pollachi. Seeking to quash the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and there is no specific allegation as against the petitioner. He further submits that the appearance of the petitioner before the trial court may be dispensed with.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent and perused the materials placed on record.

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 petitioner, if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner cannot be let by quashing the charges framed against him as that would completely undermine the alleged act, which is



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the subject matter of criminal trial pending against him. 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 S.T.C.No.649 of 2021 on the file of the Learned Judicial Magistrate No.I, Pollachi. Accordingly, this Criminal Original Petition is dismissed. Taking into consideration 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 his 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 his appearance on those days. Consequently, connected miscellaneous petition in Crl.M.P.No.6601 of 2024 is closed.

7. In view of the order passed in Crl.O.P.No.9507 of 2024, no



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order needs to be passed in Crl.M.P.No.6602 of 2024 filed seeking to dispense with the personal appearance of the petitioner. Accordingly, the Crl.M.P.No.6602 of 2024 stands closed.

22.04.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
Pollachi Town Police Station East,
Pollachi.
2. The Judicial Magistrate No.I, Pollachi.
3. The Public Prosecutor,
High Court, Madras.



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