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Crl.O.P.(MD)No.4032 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.4032 of 2022

and

Crl.M.P.(MD).Nos.2939 and 2940 of 2022

1.Mohamed Sulthan

2.Mohamed Azarudeen

... Petitioners/A1 & A2

Vs.

1.State Rep. by

The Sub-Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukottai District.

Crime No.297 of 2021

... 1st Respondent/Complainant

2.Mohamed Meera

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in pursuant to the case in C.C.No.195 of 2021 on the file of the learned Judicial Magistrate Court, Aranthangi and to quash the same.

For petitioners : Mr.G.Jeremiah

For R-1 : Mr.P.Kottaichamy
Government Advocate (Criminal Side)

For R-2 : Mr.T.Leninkumar



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.195 of 2021 pending on the file of the learned Judicial Magistrate Court, Aranthangi.

2.The case of the prosecution is that on 30.03.2021, at about 03.00 p.m., two persons reached the place of occurrence by their car and one person closed his face by wearing handkerchief and taking photographs of the two houses on the street with his cell phone. At that time, one Shanmugam questioned the same, the said persons enquired to Shanmugam about the defacto complainant's children. Thereafter, one Chellam @ Ayisha came out from her house and she also questioned the same. The said person has removed his handkerchief and threatened them and left the place of occurrence. Thereafter, on enquiry, the defacto complainant came to know that the petitioners came to the place of occurrence and the presence was recorded in the CCTV camera. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.297 of 2021 against the petitioners and the respondent Police conducted the



investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.II, Virudhunagar and the learned Judicial Magistrate has taken cognizance in C.C.No.195 of 2021 for the alleged offence punishable under Sections 354(D), 447 and 506(i) of I.P.C.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and a false case has been foisted against them 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.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.195 of 2021, pending on the file of the learned Judicial Magistrate Court, Aranthangi. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.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. 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,



Crl.O.P.(MD)No.4032 of 2022

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.

20.02.2024

Index : Yes/No
Internet : Yes/No
NCC: Yes/No
SJI

To

- 1.The Judicial Magistrate Court, Aranthangi.
- 2.The Sub-Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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Crl.O.P.(MD)No.4032 of 2022

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