



Crl.O.P.(MD)No.586 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2024**

CORAM:

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

Crl.O.P.(MD) No.586 of 2022
and
Crl.M.P.(MD).Nos.430 and 431 of 2022

Shivapriya Raju

... Petitioner / Accused No.4

Vs.

1.The State through
the Inspector of Police,
District Crime Branch,
Tirunelveli District.
In Crime No.7/2020.

2.M.Ramprasath

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.479/2021 on the file of the learned Judicial Magistrate No.1, Tirunelveli and quash the same.

For petitioner

: Mr.R.Anandharaj

For R-1

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



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.479 of 2021 on the file of the learned Judicial Magistrate No.1, Tirunelveli, against the petitioner herein.

2. The case of the prosecution is that the defacto complainant has given a sum of Rs.2,00,00,000/- as loan to the accused persons, but the accused persons has not repaid the loan amount and threatened the defacto complainant with dire consequences. Hence, the second respondent preferred a complaint to the Superintendent of Police, Tirunelveli and the same was forwarded to the first respondent Police and thereafter, the first respondent Police registered FIR in Crime No.7 of 2020 for the offence punishable under Sections 406, 417 and 420 IPC and conducted the investigation and after conducting the investigation, the respondent Police filed a charge sheet before the learned Judicial Magistrate No.1, Tirunelveli, and the the learned Judicial Magistrate has taken cognizance in C.C.No.479 of 2021 for the offence punishable under Sections 406, 420, 448, 506(i) IPC r/w. Section 34 IPC.



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.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner 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 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 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)***



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6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.479 of 2021, pending on the file of the learned Judicial Magistrate No.1, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. The learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal appearance of the petitioner before the court below. 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.

06.02.2024

Index : Yes/No
Internet : Yes/No
ssb



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To

1. The Judicial Magistrate No.1, Tirunelveli.

2. The Inspector of Police,
District Crime Branch,
Tirunelveli District..

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI. J.

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