



Crl.O.P.(MD)No.800 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.800 of 2022
and
Crl.M.P.(MD)Nos.573 & 575 of 2022

Umashankari

... Petitioner

Vs.

A.Amul William

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the private complaint in C.C.No.584 of 2018 on the file of the Judicial Magistrate Court No.2, Tiruchirapalli and quash the same insofar as the petitioner herein is concerned.

For Petitioner : Mr.S.Veerapandi Selvaraj

For Respondent : Mr.G.Karnan



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ORDER

This Criminal Original Petition has been filed to quash the private complaint in C.C.No.584 of 2018 on the file of the Judicial Magistrate Court No.2, Tiruchirapalli.

2.The case of the prosecution is that when the respondent herein was not present in his house, some unknown persons stolen 50 sovereigns of gold jewels, 1 kg silver articles and cash Rs.1,00,000/-. Hence, he preferred a complaint before the petitioner herein, who is the Inspector of Police, Sessions Court Police Station, Tiruchirapalli. After perusal of the complaint, the petitioner herein directed the respondent to modify the complaint with under estimation of the stolen things and when the same was questioned about the same by the respondent, she replied that she has no power to investigate the matter is the stolen articles are more value. Hence, the respondent altered the complaint with under estimation as 20 sovereigns of gold jewels and cash Rs.50,000/-. Thereafter, FIR in Cr.No.43 of 2016 was registered and the respondent received a copy of the same and when he read the contents of the FIR, he



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found that the contents of FIR ingeniously edited as 15 sovereigns gold jewels and Rs.30,000/-. Hence, the respondent preferred a private complaint as against the accused persons, which was taken on file in C.C.No.584 of 2018 by the Judicial Magistrate Court No.2, Tiruchirapalli.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant preferred a false compliant as against the petitioner with bald allegations and the petitioner has not created any document and hence, essential ingredients to attract the offences are not made out. Hence, he would pray to quash the impugned private complaint.

4.The learned counsel appearing for the respondent 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.



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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 petitioner, if she is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth her defence. The petitioner cannot be let by quashing the charges framed against her 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.584 of 2018, pending on the file of the learned Judicial Magistrate Court No.2, Tiruchirapalli. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.

7. The learned counsel appearing for the petitioner submitted that this Court may consider dispensing with the personal appearance of the



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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 her 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 her appearance on those days.

22.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
The Judicial Magistrate Court No.2,
Tiruchirapalli.



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M.DHANDAPANI,J.

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