



CRL OP(MD). No.2509 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.2509 of 2022 and
Crl.M.P.(MD) No. 1877 of 2022**

Srinivasan

... Petitioner

Vs

1. State Rep by
The Inspector of Police (Land Grabbing)
District Crime Branch,
Karur,
(Crime No.18/2024)

2. Sampooranam

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C., to pleased to call for the records pertaining to the impugned Charge Sheet in C.C.No.317 of 2019 on the file of the learned Judicial Magistrate No.1 Karur and quash the same as illegal in so far as the petitioner /A12 is concerned.

For Petitioner : M/s. P. Mahendran

For Respondents : M/s. P. Kottaisamy for R1
Additional Public Prosecutor

M/s. P. Muthusamy for R2



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ORDER

This petition has been filed seeking to quash the charge sheet in C.C.No.317 of 2019 on the file of the learned Judicial Magistrate No.1, Karur.

2. The case of the prosecution is that the petitioner is arrayed as A12 in Crime No.18/2014. The said case was registered for the offences under Sections 120(b), 420, 423, 465, 468, 471 and 506(i) IPC on the complaint given by the 2nd respondent. It is alleged that by creating forged patta, the accused persons obtained patta and subsequently sold the same to other persons, in which, the petitioner herein stood as a witness. On completion of investigation, charge sheet came to be filed in CC No.317/2019 before the trial court.

3. The learned counsel for the petitioner would submit that though a complaint has been preferred as if the petitioner stood as a witness, the petitioner has nothing to do with the alleged offence and accordingly prays for interference.



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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. Considering the facts and circumstances of the case, 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 him 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 had 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.317 of 2019, pending on the file of the learned Judicial Magistrate, No.I, Karur. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is dismissed.

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

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M.DHANDAPANI. J

RR

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