



CRL OP(MD). No.1742 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.02.2024

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The Hon`ble Mr.Justice M. DHANDAPANI

CRL OP(MD) No.1742 of 2022
and Crl.M.P.(MD) Nos.1261 & 1263 of 2022

Kumar

... Petitioner

Vs

1. State Through the
Sub- Inspector of Police ,
Devakottai Town Police Station,
Sivagangai District.
(Crime No.66 of 2018)

2. Mr. Rani

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C.,
to pleased to call for the records pertaining to the complaint in C.C.No.
47 of 2019 on the file of he Learned Judicial Magistrate, Devakottai and
quash the same and consequently allow the criminal original petition.

For Petitioner : M/s. J.Anandkumar

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



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ORDER

This petition has been filed seeking to quash the charge sheet in C.C.No.47 of 2019 on the file of the learned Judicial Magistrate, Devakottai.

2. The case of the prosecution is that the petitioner is the accused in Crime No.66/2018. The said case was registered for the offences under Sections 294(b) and 506(i) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 on the complaint given by the 2nd respondent. It is a case and counter. It is alleged that the petitioner has entered the house of the complainant and abused her. On completion of investigation, charge sheet came to be filed in CC No.47/2019 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)***.

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.47 of 2019, pending on the file of the learned Judicial Magistrate, Devakottai. Accordingly, this petition, being devoid of



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merits, is dismissed. Consequently, connected miscellaneous petitions are 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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TO

1.The Judicial Magistrate, Devakottai.
2.The Sub- Inspector of Police ,
Devakottai Town Police Station,
Sivagangai District.

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M.DHANDAPANI. J

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CRL OP(MD) No.1742 of 2022**

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