



Crl.O.P.(MD)No.4700 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.4700 of 2022

and

Crl.M.P(MD) No.3317 of 2022

Thirupathi Raj

... Petitioner/2nd Accused

Vs.

1.The Inspector of Police,
Dindigul North Police Station,
Dindigul.
Crime No.711 of 2015.

...1st Respondent/Complainant

2.Moorthy

...2nd Respondent/Defacto
Complainant

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the proceedings in S.C.No. 167 of 2017 on the file of the Assistant Sessions Judge (Chief Judicial Magistrate Court), Dindigul and quash the same as illegal as against the petitioner.



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For Petitioner	: Mr.Thirupathi Raj.J Party-in-Person
For R1	: Mr.P.Kottaichamy, Government Advocate (Crl.Side)
For R2	: No appearance

ORDER

This petition has been filed seeking to quash the proceedings in S.C.No.167 of 2017 pending on the file of the learned Assistant Sessions Judge (Chief Judicial Magistrate Court), Dindigul.

2.The case of the prosecution is that the defacto complainant is the Secretary of Bar Association, Dindigul. On 17.06.2015, the petitioner and the first accused quarreled with the general public. After hearing the same, the defacto complainant came to that place and questioned the accused persons. So that, the accused persons attacked the defacto complainant and also threatened him with dire consequences. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in



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Crime No.711 of 2015 against the petitioner and another and the respondent Police conducted an investigation. On completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.II, Dindigul, and the same was taken on file in P.R.C.No.8 of 2017 and after that, the case was transferred to the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Dindigul and re-numbered as S.C.No.167 of 2017 for the offences punishable under Section 307 of 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 made 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 and others and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner has to be gone into only at the time of trial and hence, he prayed for dismissal



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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 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).***

6.For the reasons aforesaid, this Court finds no ground or scope to quash S.C.No.167 of 2017, pending on the file of the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Dindigul. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. Further, the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Dindigul, is directed to complete



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the trial in S.C.No.167 of 2017 shall be completed within a period of three months from the date of receipt of copy of this order.

7.At this juncture, 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.

21.02.2024

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

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M.DHANDAPANI,J.

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To:

- 1.The learned Assistant Sessions Judge,
Chief Judicial Magistrate Court, Dindigul.
- 2.The Inspector of Police,
Dindigul North Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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