



Crl.O.P.(MD)No.2556 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.2556 of 2022

and

Crl.M.P(MD) Nos.1906, 1908 and 1437 of 2022

Elangovan

... Petitioner/5th Accused

Vs.

1.The Inspector of Police,
Koodalpudur Police Station,
Madurai District.
Crime No.269 of 2014.

...1st Respondent/Complainant

2.Jessie Sugunabai

...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 C.C.No.258 of 2018 on the file of the learned Judicial Magistrate No. IV, Madurai, Madurai District, and quash the same as illegal in respect of the petitioner.

For Petitioner

: Mr.Prasanna Rajadurai A

For R1

: Mr.P.Kottaichamy,
Government Advocate (Crl.Side)



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ORDER

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This petition has been filed seeking to quash the proceedings in C.C.No.258 of 2018 pending on the file of the learned Judicial Magistrate No.IV, Madurai, Madurai District.

2.The case of the prosecution is that the second respondent purchased the property in Plot No.58 in Re-survey No.58/6A from one Hajamaideen and Sahidhabegam by a registered sale deed and till date, the second respondent is in possession and enjoyment of the said property. In such circumstance, on 18.12.2009, the husband of the second respondent namely Muralibabu executed a general power of attorney in favour of the first accused namely Balasubramanian, forging the signature of the second respondent. Thereafter, they sold the said property to the second accused and the second accused sold the same to the petitioner. In such circumstance, on 12.06.2014, the accused persons came to the house of the second respondent and threatened him to kill. 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.269 of 2014 against the petitioner and other accused persons and the respondent Police conducted an investigation. On completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.IV, Madurai, Madurai District, and the same was taken cognizance in C.C.No.258 of 2018 for the offences punishable under Sections 294(b), 406, 420, 506(i) and 419 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 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 his 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 C.C.No.258 of 2018, pending on the file of the learned Judicial Magistrate No.IV, Madurai, Madurai District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.At this juncture, the learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the



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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 Judicial Magistrate No. IV,
Madurai, Madurai District.
- 2.The Inspector of Police,
Koodalpudur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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