



Crl.O.P.(MD)No.2402 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.2402 of 2022 and
Crl.M.P.(MD).Nos.1763 and 1764 of 2022

Kovarthanambigai

... Petitioner/Accused

Vs.

1.S.Selvan

2.The Sub Inspector of Police,
Keeranur Police Station,
Dindigul District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.69 of 2021, on the file of the learned Judicial Magistrate, Palani, and quash the same also the cognizance order passed in Cr.M.P.No.1682/2020 dated 08.04.2021.

For petitioner

: Mr.Adithya Vijayalayan N

For R-2

: Mr.P.Kottaichamy
Government Advocate
(Criminal Side)

For R-1

: Mr.G.Karuppasamy Pandian



Crl.O.P.(MD)No.2402 of 2022

ORDER

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This petition has been filed seeking to quash the charge sheet in C.C.No.69 of 2021 on the file of the learned Judicial Magistrate, Palani.

2. The case of the prosecution is that a private complaint has been preferred by the first respondent under Section 156(3) Cr.P.C. in Cr.M.P.No.1682 of 2020 and the same was taken cognizance in CC No. 69/2021. It is alleged in the private complaint that the petitioner is defaming the name of the first respondent. Hence, the complaint.

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

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.



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5. It is seen that 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 her 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 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.69 of 2021, pending on the file of the learned Judicial Magistrate, Palani. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are dismissed.

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



CrI.O.P.(MD)No.2402 of 2022

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.

04.03.2024

Index : Yes/No

Internet : Yes/No

RR

To

1. The Judicial Magistrate, Palani

2. The Sub Inspector of Police,
Keeranur Police Station,
Dindigul District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.2402 of 2022

M.DHANDAPANI. J.

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Crl.O.P.(MD)No.2402 of 2022

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