



Crl.O.P.(MD)No.2367 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.2367 of 2022

and

Crl.M.P.(MD)Nos.1736 & 1737 of 2022

Ashok

... Petitioner

Vs.

1.The State rep by
The Inspector of Police,
Woraiyur Police Station,
Trichy District.
(Crime No.574 of 2014)

2.Vijaylakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet in C.C.No.651 of 2019 on the file of the learned Judicial Magistrate No.4, Trichy and quash the same insofar as the petitioner/Accused No.2 is concerned.

For Petitioner : Mr.B.Jameel Arasu

For R1 : Mr.S.Manikandan,
Government Advocate (Crl. Side)

For R2 : No Appearance



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.651 of 2019 on the file of the learned Judicial Magistrate No.4, Trichy.

2.The case of the prosecution is that A1 in this case has been running a small investment scheme and on came to know about the same, the second respondent herein introduced 40 persons and they have invested a sum of Rs.3,64,000/-. After due date of maturity, the accused persons failed to return the amount to the depositors and when the second respondent requested them to return the amount, they threatened her with dire consequences and also refused to return the amount. Based on the complaint given by the second respondent, a case was registered and after completion of investigation, the first respondent filed charge sheet, which was taken on file in C.C.No.651 of 2019 by the learned Judicial Magistrate No.4, Trichy. Challenging the same, the present petition has been filed.



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3.The learned counsel appearing for the petitioner would submit that the petitioner did not run any chit business and absolutely there is no money transaction between the petitioner and any of the depositors. He would further submit that already there was some money transaction between the petitioner and A1 and he also cheated the petitioner and hence, there is no question that the petitioner colluded with A1. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that the first respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below.

5.Heard the learned counsel on either side and perused the materials available in the record.



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6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. 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).***

7.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 charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

8.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.651 of 2019, pending on the file of the learned Judicial Magistrate No.4, Trichy. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.



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9. At this juncture, 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 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.

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NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
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M.DHANDAPANI,J.

gns

To

- 1.The Judicial Magistrate No.4, Trichy.
- 2.The Inspector of Police,
Woraiyur Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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