



CRL OP(MD). No.2881 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 13.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.2881 of 2022 and
Crl.M.P.(MD) Nos.2167 and 2168 of 2022**

P. Rengasamy

... Petitioner

Vs

1. State Represented by
The Inspector of Police,
AWPS – Manapparai Police Station,
Trichy District.
(Crime No.8 of 2016)

2. Podhum Ponnu

... Respondents

PRAYER :- Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records relating to the C.C.No.214 of 2018 on the file of the Judicial Magistrate, manapparai, Trichy District to quash the same as against the Petitioner's /Accused -5 is concerned.

For Petitioner : M/s. S. Kasirajan

For Respondents : M/s. S. Manikandan for R1
Additional Public Prosecutor



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CRL OP(MD). No.2881 of 2022

ORDER

This petition has been filed to quash the C.C.No.214 of 2018 on the file of the Judicial Magistrate, Manapparai, Trichy District as against the petitioner /A5 is concerned.

2.The case of the prosecution is that pursuant to the complaint preferred under Section 156(3) Cr.P.C. before the Judicial Magistrate, Manapparai, a case came to be registered in Crime No.8/2016 for offences under Sections 294(b), 323, 306, 354, 498(A) and 506(I) IPC against the petitioner and a final report has been filed in C.C.No. 214/2018 before the jurisdictional court for offences under Sections 294(b), 323, 498(A) and 506(I) IPC altered to Sections 498(A) and 506(I) IPC, for quashing which, the present petition came to be filed.

3. The learned counsel for the petitioner would submit that the dispute is purely a matrimonial dispute, which was given criminal colour by giving a private complaint and the petitioner being friend of the husband of the de-facto complainant, he has nothing to do with the



CRL OP(MD). No.2881 of 2022

alleged offences and hence, the offences as aforesaid do not attract against the petitioner. On this ground, the learned counsel prays for interference.

3.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.

4. 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 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)*** wherein, the Hon'ble



Apex Court held as under :

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“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extra-ordinary power under Article 226 or the inherent powers under Section 482 of the Code of Criminal Procedure, which we have extracted illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

(1) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under



Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned



*Act,providing efficacious redress for the grievance
of the aggrieved party;*

*(7) where a criminal proceeding is manifestly
attended with mala fide and/or where the proceeding
is maliciously instituted with an ulterior motive for
wreaking vengeance on the accused and with a view
to spite him due to private and personal grudge.”*

5. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.214/2018, pending on the file of the learned Judicial Magistrate, Manapparai. Accordingly, this petition is dismissed. Consequently, connected miscellaneous petitions are dismissed.

6. 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



CRL OP(MD). No.2881 of 2022

any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

13.02.2024

NCC : Yes/No
Index : Yes/No

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TO

1. The Judicial Magistrate,
Manapparai, Trichy District

2. The Inspector of Police,
AWPS – Manapparai Police Station,
Trichy District.



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CRL OP(MD). No.2881 of 2022

M.DHANDAPANI. J

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**ORDER
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