



CRL OP(MD). No.3073 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.3073 of 2022 and
Crl.M.P.Nos.2299 and 2300 of 2022**

D. Jeganathan

... Petitioner

Vs

1.R. Sathishkumar

2.The Inspector of Police,
Town Police Station,
Palani, Dindigul District.

... Respondents

(2nd respondent is suo motu impleaded
as per the order of this court dated 11.10.2023.)

PRAYER :- Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records pertaining to C.C. No.595 of 2012 on the file of the learned Judicial Magistrate, Palani, Dindigul District and quash the same as against the petitioner concerned.

For Petitioner : M/s. M. Sheik Abdullah
For Respondents : Mr.Kottaichamy for R2
Government Advocate (Crl. Side)
No appearance for R1



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ORDER

This petition has been filed to quash C.C. No.595 of 2012 on the file of the learned Judicial Magistrate, Palani, Dindigul District.

2. The case of the prosecution is that on the private complaint preferred under Section 190(1)(a) r/w 200 Cr.P.C, the present case has been taken cognizance by the learned Magistrate in C.C.595/2012 for offences under Sections 558, 294(b), 506(I) and 427 IPC. It is alleged in the complaint that the petitioner and others trespassed into the respondent's tea stall and insisted him to withdraw the pending civil suit, which is pending between the bonafide purchaser/A1 and her husband/A2.

3. The learned counsel for the petitioner would submit that the petitioner is a document writer and having valid license. The learned counsel would further submit that the respondent's father alienated his property under valid sale deed to A1 and A2 and at that point of time, the respondent was a minor and the petitioner was only a document writer; it is alleged that the respondent, after the demise of his father, has filed



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civil suit against A1 and A2, however, though the petitioner herein is only a document writer, the petitioner was implicated for no fault on him. Hence, he would submit that the complaint itself is a motivated one and liable to be quashed.

4. Though notice was served on the first respondent and name printed, neither the respondent nor any counsel is present to prosecute the matter.

5. 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.

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 him to put forth his defence.



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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)***.

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C. No.595 of 2012 on the file of the learned Judicial Magistrate, Palani, Dindigul District. 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 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.



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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. The trial Court is directed to conclude C.C.No595/2012 within a period of six months from the date of receipt of a copy of this order.

23.02.2024

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Judicial Magistrate,
Palani, Dindigul District.

2.The Inspector of Police,
Town Police Station,
Palani, Dindigul District.



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M.DHANDAPANI. J

RR

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