



CRL OP(MD). No.3369 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.3369 of 2022 and
Crl.M.P.(MD) Nos. 2503 & 2504 of 2022**

R. Subramanian

... Petitioner

Vs

1. State through by
The Inspector of Police,
Srivaikundam Police Station,
In Crime No.137/2018,
Thoothukudi District.

2. Antonyammal

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C.,
to pleased to call for the records in charge sheet filed in C.C.No.
271/2018 dated 25.07.2018 on the file of the Learned Judicial
Magistrate, Srivaikundam, in Crime No.137/2018 dated 19.06.2018 and
the quash the same.

For Petitioner : M/s. K. Suyambulinga Bharathi

For Respondents : M/s. P.Kottaichamy for R1
Additional Public Prosecutor

No Appearance for R2



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ORDER

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This petition has been filed seeking to quash the charge sheet in C.C.No.271 of 2018 on the file of the learned Judicial Magistrate, Srivaikundam.

2. The case of the prosecution is that due to some dispute between the petitioner and the de-facto complainant, a complaint came to be lodged by the 2nd respondent and since no action was taken on the said complaint, the 2nd respondent preferred a private complaint before the concerned court under Section 156(3) Cr.P.C, which was registered in Crime No.137/2018 for the offences under Sections 341, 294(b), 506(II) IPC and Section 4 of TNPHW Act and the same was taken on file in CC No.271/2018 before the trial court and the same is pending, for quashing which, the petitioner is before this court with this petition.

3. The learned counsel for the petitioner would submit that it is a case and counter; due to some dispute between the de-facto complainant and the petitioner herein, cases were registered against both of them, wherein, for the case registered against the petitioner, charge sheet has been filed, for quashing which, the petitioner is before this court and that the petitioner has nothing to do with the alleged offences and hence,



prays for interference.

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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.

5. Considering the facts and circumstances of the case, 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)*.

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.271 of 2018, pending on the file of the learned Judicial Magistrate, Srivaikundam. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions



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are dismissed.

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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. 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 complete the trial in CC No.271/2018 within a period of three months from the date of receipt of a copy of this order.

06.02.2024

Index : Yes/No

NCC : Yes/No

RR

TO

1.The Judicial Magistrate, Srivaikundam

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

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M.DHANDAPANI. J

RR

**ORDER
IN
CRL OP(MD) No.3369 of 2022**

Date : 06.02.2024