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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2024**

CORAM:

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

Crl.O.P.(MD) No.5131 of 2022
and
Crl.M.P.(MD).Nos.3610 and 3612 of 2022

K.Balathandayuthabani ... Petitioner / sole accused

Vs.

1.The State through
The Inspector of Police,
Pappanadu,
Thanjavur District.
Crime No.18 of 2012.

2.S.Devi ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records connected to the case in C.C.No.234 of 2014 pending on the file of the learned Judicial Magistrate, Orathanadu and quash the same as illegal.

For petitioner : Mr.P.Kandasamy

For R-1 : Mr.S.Manikandan
Government Advocate
(Criminal Side)

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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.234 of 2014 on the file of the learned Judicial Magistrate, Orathanadu, against the petitioner.

2. The case of the prosecution is that on 14.01.2015, when the defacto complainant/second respondent and her husband were preparing for Pongal, the petitioner came and abused the defacto complainant and attacked her with Aruval. When her husband came to rescue, the petitioner attacked her husband also with wooden log. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and there is no specific allegation as against the petitioner.

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

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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 the petitioner 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 made 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.234 of 2014, pending on the file of the learned Judicial Magistrate, Orathanadu.

7. The learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal appearance of the petitioner before the court below and may direct the trial Court to conclude the trial within a time stipulated by this Court.

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8. 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.

9. Since the case is pending from the year 2014, the trial Court is directed to complete the trial in C.C.No.234 of 2014 within a period of three (3) months from the date of receipt of a copy of this order and if the defacto complainant is not co-operating for the trial, the trial Court may pass appropriate orders in terms of Section 256 of Cr.P.C.

10. Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petitions are closed.

22.02.2024

Index : Yes/No
Internet : Yes/No
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To

1. The Judicial Magistrate, Orathanadu.

2. The Inspector of Police,
   Pappanadu,
   Thanjavur District.

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

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M.DHANDAPANI. J.

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