



CrI.O.P.(MD)No.4694 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **16.02.2024**

CORAM:

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

CrI.O.P.(MD) No.4694 of 2022

and

CrI.M.P.(MD).No.3312 of 2022

Muthukumar

... Petitioner/A2

Vs.

1.The State Rep. by its
The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
Crime No.315 of 2015

... 1st Respondent/Complainant

2.L.Selvaraj,
The Inspector of Police,
Panagudi Circle,
Panagudi,
Tirunelveli District.

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in connection with C.C.No.380 of 2015 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District, in connection with Crime No.315 of 2015 on the file of the Inspector of Police, Panagudi Police Station, Panagudi, Tirunelveli District and quash the same in respect of the petitioner as devoid of merits and illegal.



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For petitioner : Mr.K.Prabakaran
For R-1 : Mr.P.Kottaichamy
Government Advocate (Criminal Side)
For R-2 : No Appearance

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.380 of 2015 pending on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

2.The case of the prosecution is that on 04.08.2013 at about 6'O clock in the morning, when the defacto complainant was on banthobasth duty for the general public, the petitioner and one another person by name Anthony Sahaya Selva Bounce were alleged to have canvassed for making success in the said banth in the village among the general pubic. It is the further case of the prosecution that the petitioner and others have created disturbance to the general public and they also attempted to threaten the general public to close down their shop. Therefore, the second respondent lodged a complaint before the first respondent and the same was registered in Crime No.315 of 2015 against the petitioner and thereafter, the first respondent Police conducted the



investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate, Valliyoor, Tirunelveli District and the learned Judicial Magistrate has taken cognizance in C.C.No.380 of 2015 for the alleged offence punishable under Sections 151 of Cr.P.C. r/w 7(1)(a) of Criminal Law Amendment Act.

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 made 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 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.380 of 2015, pending on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7.At this juncture, the learned counsel appearing for the petitioners would submit that this Court may issue a direction to the trial Court to conclude the trial within a period of three months.

8.Taking into consideration of the request made by the learned counsel for the petitioner and the case is pending from the year 2015, the learned Judicial Magistrate, Valliyoor, Tirunelveli District, is directed to conclude the trial within a period of three months from the date of receipt



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of a copy of this order. However, if any one of the parties are not appeared before the trial Court, the trial Court is directed to invoke the provisions of Section 256(3) of Cr.P.C., and pass orders.

16.02.2024

Index : Yes/No
Internet : Yes/No
SJI
To

- 1.The Judicial Magistrate, Valliyoor, Tirunelveli District.
- 2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

SJI

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