



CrI.O.P.(MD)No.6222 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.6222 of 2022

and

CrI.M.P.(MD).No.4300 of 2022

A.Iruthayaraj

... Petitioner

Vs.

1.State represented by
the Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
(Crime No.24 of 2019)

2.M.Yugaraj

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Charge Sheet in C.C.No. 243 of 2021 pending on the file of the learned Judicial Magistrate, Vilathikulam in Crime No.24 of 2019, dated 24.02.2019 for the alleged offence under Section 380 IPC and quash the same as illegal insofar as the petitioner is concerned.

For petitioner

: Mr.T.Thirumurugan

For R-1

: Mr.S.Manikandan,

Government Advocate (Criminal Side)

For R-2

: No Appearance



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ORDER

This petition has been filed seeking to quash the case in C.C.No.243 of 2021 pending on the file of the learned Judicial Magistrate, Vilathikulam for the alleged offence punishable under Section 380 IPC insofar as the petitioner is concerned.

2. The case of the prosecution is that on 23.02.2019 at about 06.00 P.M., the petitioner went to his agricultural field and when he returned back to this home, he found that his syntax tank which was worth about Rs.2,000/- was stolen from his home by some unknown persons. 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



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.243 of 2021, pending on the file of the learned Judicial Magistrate, Vilathikulam. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7. The learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal



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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.

26.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1. The Judicial Magistrate, Vilathikulam.

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

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



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M.DHANDAPANI. J.

TSG

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