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CrI.O.P.(MD)No.5930 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**CrI.O.P.(MD) No.5930 of 2022**  
**and**  
**CrI.M.P.(MD).No.4164 of 2022**

Jeyapal

... Petitioner / Accused No.4

Vs.

1.The State through  
The Inspector of Police,  
Koodalpudur Police Station,  
Madurai City.  
Crime No.269/2014.

2.Jessie Sugunabai

...Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C.No.258 of 2018 on the file of the learned Judicial Magistrate No.IV, Madurai and quash the same as against the petitioner.

For petitioner

: Mr.S.Mahendrapathy

For R-1

: Mr.P.Kottaichamy  
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.258 of 2018 on the file of the learned Judicial Magistrate No.IV, Madurai, against the petitioner herein.

2. The case of the prosecution is that the defacto complainant and the first accused are husband and wife and the accused No.1 impersonated the accused No.3 as his wife and executed the power of attorney in favour of the accused No.2 in respect of the disputed property belonging to the defacto complainant and thereafter, the property was sold to the accused No.4, who, in turn, sold the property to the accused No.5. When it came to the knowledge of the defacto complainant, she has questioned the same, due to which, the accused persons threatened the defacto complainant with dire consequences.

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.258 of 2018, pending on the file of the learned Judicial Magistrate No.IV, Madurai.

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 and may permit the petitioner to canvass all the points raised in this petition before the trial Court during the time of trial.

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. Liberty is granted to the petitioner to canvass all the points raised in this petition before the trial Court during the time of trial.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

**27.02.2024**

Index : Yes/No  
Internet : Yes/No  
ssb



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To

1. The Judicial Magistrate No.IV, Madurai.

2. The Inspector of Police,  
Koodalpudur Police Station,  
Madurai City.

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

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**M.DHANDAPANI. J.**

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