



Crl.O.P(MD).No.5536 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD)No.5536 of 2021

and

Crl.M.P(MD).No.3175 of 2021

1.Jegankumar

2.Rani @ Ramaniammal ... Petitioners / Accused Nos.2 & 3

Vs.

1. The Inspector of Police,
City Crime Branch,
Trichy City, Trichy.
(Crime No.10 of 2017) ... 1st Respondent / Complainant

2.Umarani ... 2nd Respondent / Defacto
Complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the complaint in C.C.No.404 of 2019 on the file of the Judicial Magistrate Court No.III, Trichy and quash the same was illegal.

For Petitioners	: Mr.T.Vadivelan
For R1	: Mr.R.M.Anbunithi Additional Public Prosecutor
For R2	: Mr.T.Lenin Kumar



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ORDER

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This criminal original petition has been filed to quash the impugned charge sheet in C.C.No.404 of 2019 on the file of the Judicial Magistrate Court No.III, Trichy.

2.The case of the prosecution is that A1 and the first petitioner are the sons of the second petitioner. A1 demanded a sum of Rs.26,22,500/- from the defacto complainant stating that he was doing contract business in the Railway Department and huge amount was need to deposit and also promised to give the same within a month. On believing their words, the defacto complainant gave the above said amount by pledging her house. Thereafter, A1 has failed to repay the same. When the amount was demanded by the defacto complainant, A1 and the petitioners, abused the defacto complainant in filthy language and threatened her with dire consequences. Hence, the second respondent lodged a complaint as against A1 and the petitioners. Based on which, a case in Cr.No.10 of 2017 was registered for the offences under Sections 420, 294(b) and 506(ii) of IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.404 of 2019 by the Judicial Magistrate Court No.III, Trichy. Challenging the same, the present petition has been filed.



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3.The learned counsel appearing for the petitioners submitted that the petitioner did not commit any offence as alleged by the prosecution. The alleged transaction only between A1 and the defacto complainant. The petitioners herein never played any major role in the above said offence. They are being brother and mother of A1, present proceedings have been initiated against them.

4. The learned counsel appearing for the petitioners further submitted that the matter was already compromised between A1 and the defacto complainant. Based on that compromise, the defacto complainant has withdrew the case. Accordingly, he prayed to quash the impugned charge sheet.

5.The learned Additional Public Prosecutor appearing for the first respondent submitted that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.



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6.Per contra, the learned counsel appearing for the second respondent submitted that there was no such compromise was reached between A1 and the defacto complainant as alleged by the learned counsel for the petitioners and based on that compromise, the defacto complainant has not withdrew the case. Since the first petitioner is working as Police in Police Department, such a fake document was created. A1 colluded with the petitioners, cheated the amount of the defacto complainant. Actually, the defacto complainant gave a complaint before the first respondent police. On receipt of complaint, enquiry was conducted on 14.03.2016. On enquiry, A1 assured to pay only a sum of Rs.11,00,000/- within a month i.e., 14.04.2016 and made the written statement to that effect. Even thereafter, A1 has not paid the amount. Thereafter only, present case has been registered against the accused. Hence, he prayed to dismiss the present petition.

7.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. 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).***



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8.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 petitioners if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against them.

9.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.404 of 2019 pending on the file of the Judicial Magistrate Court No.III, Trichy. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

10.At this juncture, the learned counsel appearing for the petitioners prayed to dispense with the personal appearance of the petitioners before the Trial Court.

11.Considering the request made by the learned counsel appearing for the petitioners, the personal appearance of the petitioners is dispensed with before the trial Court with the following conditions:-



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i)The personal appearance of the petitioners is dispensed with except for their 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 petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

12. The Judicial Magistrate Court No.III, Trichy, is directed to complete the trial in C.C.No.404 of 2019 within a period of 3 months from the date of receipt of a copy of this order.

11.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

1. The Judicial Magistrate Court No.III,
Trichy.
2. The Inspector of Police,
City Crime Branch,
Trichy City, Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

A.A.NAKKIRAN, J.

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