



Crl.O.P.(MD)No.6721 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.6721 of 2022
and
Crl.M.P.(MD)No.4653 of 2022

K.Ramachandran

... Petitioner

Vs.

1.State Represented by
The Deputy Superintendent of Police,
Karur Town Sub Division,
Karur.

2.The Inspector of Police,
Thanthonimalai Police Station,
Karur District, Karur.
(Crime No.448 of 2020)

3.Raja

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Final Report in SC.No.49 of 2021 on the file of the Principal District and Sessions Court, Karur in Crime No.448 of 2020 dated 31.07.2020 on the file of the first respondent and quash the same as illegal as against the petitioner alone.



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For Petitioners : Mr.T.Lajapathy Roy
Senior Counsel,
for Mr.S.Rajasekar

For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the Final Report in SC.No.49 of 2021 on the file of the learned Principal District and Sessions Court, Karur.

2.The case of the prosecution is that the petitioner and the defacto complainant are practicing Advocate and the defacto complainant belongs to the Scheduled Caste community. Already there was previous enmity between them. Due to which, the petitioner and other accused abused the defacto complainant by using his caste name and also assaulted him. Hence, he filed a complaint, based on which the second respondent registered a case in Cr.No.448 of 2020. After completion of investigation, the first respondent filed a charge sheet, which was taken



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on file in SC.No.49 of 2021 by the Principal District and Sessions Court, Karur. Challenging the same, the present petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and the entire allegations levelled in the final report are only against A1. There is no specific overt act as against the petitioner herein. Accordingly, he prayed to quash the impugned final report.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that the first respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below.

5.Heard the learned counsel on either side and perused the materials available in the record.



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6.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)***.

7.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 charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

8.For the reasons aforesaid, this Court finds no ground or scope to quash S.C.No.49 of 2021, pending on the file of the Principal District and Sessions Court, Karur. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.



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9.At this juncture, the learned counsel appearing for the petitioner submitted that this Court may consider dispensing with the personal 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.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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M.DHANDAPANI,J.

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To

- 1.The Principal District and Sessions Court, Karur.
- 2.The Deputy Superintendent of Police,
Karur Town Sub Division, Karur.
- 3.The Inspector of Police,
Thanthonimalai Police Station,
Karur District, Karur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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