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CrI.O.P.(MD)No.6301 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

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

CrI.O.P.(MD) No.6301 of 2022

and

CrI.M.P.(MD).No.4354 of 2022

1.Sundararajan

2.Laila @ Lailavathy

3.Manoharan

4.Prabakaran

... Petitioners

Vs.

Natarajan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case registered in impugned private complaint in C.C.No.1 of 2022 on the file of the learned Judicial Magistrate, Thuraiyur, Trichy District and quash the same as illegal insofar as the petitioners are concerned.

For petitioners : Mr.B.Vetrivel

For Respondent : Mr.P.Ganapathi Subramanian

ORDER

This petition has been filed seeking to quash the private complaint in C.C.No.1 of 2022 on the file of the learned Judicial Magistrate, Thuraiyur, Trichy District.



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2. The case of the prosecution is that due to wordy quarrel arose between the petitioners and the respondent / *defacto* complainant, the petitioners herein attacked the respondent / *defacto* complainant's family with deadly weapons and threatened them with dire consequences and abused them by using filthy language. Hence, the respondent herein made a complaint before the concerned Police Station and the same was registered in Crime No.236 of 2020 for the offence punishable under Sections 147, 294(b), 324 and 506(2) IPC and thereafter, the respondent again filed a complaint before the Jambunathapuram Police Station and the same was registered in Crime No.237 of 2020. The concerned Police has conducted investigation and after completing investigation, they closed the case as "Mistake of Fact". Thereafter the petitioner herein filed a protest petition before the learned Judicial Magistrate, Thuraiyur, Trichy District and the learned Judicial Magistrate has taken cognizance in C.C.No.1 of 2022 for the offence punishable under Sections 147, 294(b), 323 and 506(1) IPC.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation made against the petitioners.



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4. The learned counsel appearing for the respondent would submit 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.

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 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 charges framed against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against them. 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 the proceedings in C.C.No.1 of 2022 pending on the file of the learned Judicial Magistrate, Thuraiyur, Trichy District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaenous petition is closed.



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7. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court 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.

14.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1. The Judicial Magistrate, Thuraiyur, Trichy District.

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



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M.DHANDAPANI. J.

TSG

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