



Crl.O.P.(MD)Nos.6320, 10955 & 14093 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) Nos.6320, 10955 & 14093 of 2022
and
Crl.M.P.(MD).Nos.4371, 4372, 6917 & 9059 of 2022

1.Jeeva

2.Babu

... Petitioners / Accused Nos.3 and 4 in Crl.O.P.
(MD).No.6320 of 2022

1.Gobi

2.Uma Rani

... Petitioners / Accused Nos.1 & 2 in Crl.O.P.
(MD).No.10955 of 2022

Jeyasubha

...Petitioner / Accused No.5
in Crl.O.P.(MD).No.14093 of 2022

Vs.

1.State represented by
the Inspector of Police,
AWPS Town Police Station,
Madurai Town,
(Crime No.13 of 2014)

2.Prashanthini

...Respondents in all petitions

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No.65 of 2016 pending on the file of the Additional Mahila



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Court, Madurai and quash the same as against these petitioners.

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For petitioners	: Mr.Jeyaram Sidharth (In Crl.O.P.(MD).No.6320 of 2022)
For petitioners	: Mr.Jeyaram Sidharth (In Crl.O.P.(MD).No.10955 of 2022)
For petitioners	: Mr.A.K.Azagarsami (In Crl.O.P.(MD).No.14093 of 2022)
For R-1	: Mr.S.Manikandan, Government Advocate (Criminal Side) (In All Petitions)
For R-2	: Mr.S.Muniyandi (In All Petitions)

COMMON ORDER

These petitions have been filed seeking to quash the proceedings in C.C.No.65 of 2016 pending on the file of the Additional Mahila Court, Madurai as against the petitioners herein.

2. The case of the prosecution is that due to matrimonial dispute arose between the first accused, viz., Gobi and the second respondent, the petitioners herein abused the second respondent by using filthy language and assaulted her with hands and tried to grab the property of her mother. Hence, the second respondent made a complaint



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before the first respondent Police and the first respondent Police registered FIR in Crime No.13 of 2014 and conducted investigation and on completion of investigation, the respondent Police has filed a charge sheet in C.C.No.65 of 2016 on the file of the Additional Mahila Court, Madurai, for the offence punishable under Sections 498(A), 406, 506(i) IPC r/w Section 4 of the TNPWH Act. Challenging the same, the present petitions have been filed.

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.

4. The learned Government Advocate (Crl. Side) 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. Heard the learned counsel appearing for the second respondent.



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6. 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)*

7. For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in C.C.No.65 of 2016 pending on the file of the Additional Mahila Court, Madurai. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

8. 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.



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9. Since the first accused, viz., Gobi is the husband of the second respondent and some allegations are made against him, therefore, this Court is not inclined to dispense with the personal appearance of the first accused before the trial Court.

10. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of Accused Nos.2, 3, 4 and 5, Viz., Uma Rani, Jeeva, Babu, Jeyasubha 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 Accused Nos.2, 3, 4 and 5, Viz., Uma Rani, Jeeva, Babu, Jeyasubha is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

27.03.2024

Index : Yes/No

Internet : Yes/No

NCC : Yes / No

TSG

To

1.The Additional Mahila Court, Madurai.



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2.The Inspector of Police,
AWPS Town Police Station,
Madurai District.

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



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M.DHANDAPANI. J.

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