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Crl.O.P.(MD)No.8213 of 2022 & batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.03.2024**

CORAM:

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

Crl.O.P.(MD) Nos.8213, 8224, 7457, 8233 & 8239 of 2022

and

**Crl.M.P.(MD).Nos.5545, 5546, 5554, 5556, 5079,
5080, 5563 5568, 5561 & 5571 of 2022**

S.Karthick Varadharajan	... Petitioner in Crl.O.P.(MD).No.8213 of 2022
S.V.Subbaraj	... Petitioner in Crl.O.P.(MD).No.8224 of 2022
T.Lakshmi	... Petitioner in Crl.O.P.(MD).No.7457 of 2022
N.Chinnathambi	... Petitioner in Crl.O.P.(MD).No.8233 of 2022
N.Subbaraj	... Petitioner in Crl.O.P.(MD).No.8239 of 2022

Vs.

1.The Deputy Registrar of Co-operative Societies,
Aruppukottai Taluk,
Virudhunagar District.

2.The Inspector of Police,
CCIW, Virudhunagar Police Station,
Virudhunagar District.
(Crime No.1 of 2017)

...Respondents in all petitions

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C.No.188 of 2017 on the file of the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District and quash the same as against the petitioners concerned.



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For petitioners : Mr.V.R.Venkatesan
For Respondents : Mr.S.Manikandan,
Government Advocate
(Criminal Side)
(In All Petitions)

COMMON ORDER

These petitions have been filed seeking to quash the proceedings in C.C.No.188 of 2017 on the file of the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District, insofar as the petitioners are concerned.

2. The case of the prosecution is that the petitioners had misappropriated the fixed deposit amount of one Late Janakiammal, which was deposited in the Co-operative Society Bank. Hence, the first respondent, who is the Deputy Registrar of Co-operative Societies, has made a complaint before the second respondent Police and the second respondent Police registered a case in Crime No.1 of 2017 for the offence punishable under Sections 109, 120B, 406, 408, 420, 465, 467, 471 and 477A IPC. Thereafter, the second respondent has conducted investigation and after completing investigation, they filed a charge sheet before the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District and the same was taken on file in C.C.No.188 of 2017.



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 as against the petitioners. He would further submit that this Court may issue a direction to the trial Court to complete the trial in C.C.No.188 of 2017 within a stipulated time fixed by this Court. He requests before this Court to produce all necessary documents before the trial Court at the time of trial.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that all those points raised before this Court is a triable issue, which cannot be canvassed before this Court and it can be canvassed only at the time of trial.

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)*



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6. For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in C.C.No.188 of 2017 pending on the file of the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District. Accordingly, these Criminal Original Petitions are dismissed. However, the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, is directed to complete the trial in C.C.No.188 of 2017 within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

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



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their appearance on those days. Liberty is granted to the petitioners to canvass all those points raised in the petition before the trial Court and also the petitioners are directed to produce all the necessary documents before the trial Court at the time of trial.

13.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

- 1.The Judicial Magistrate No.II, Virudhunagar,
Virudhunagar District.
- 2.The Deputy Registrar of Co-operative Societies,
Aruppukottai Taluk,
Virudhunagar District.
- 3.The Inspector of Police,
CCIW, Virudhunagar Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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