



Crl.O.P.(MD)Nos.14715 of 2021 and 7119 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.03.2024**

CORAM:

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

Crl.O.P.(MD) Nos.14715 of 2021 and 7119 of 2022
and
Crl.M.P.(MD).Nos.7778 of 2021, 10436 and 4885 of 2022

Crl.O.P.(MD)No.14715 of 2021

- 1.Mahalingam
- 2.Subash Chandra Bose
- 3.Silambarasan
- 4.Tamilselvan
- 5.Sathishkumar
- 6.Ammasi
- 7.Indhirani
- 8.Valarmathi
- 9.Menaga Gandhi
- 10.Mookkayee
- 11.Poongothai
- 12.Periaswamy
- 13.Chellappan

... Petitioners/A1 to A13

Vs.

- 1.The State Rep. by
The Sub-Inspector of Police,
Siruganoor Police Station,
Trichy District.
Crime No.139 of 2013

... 1st Respondent/Complainant

- 2.Palaniyappan

... 2nd Respondent/Defacto complainant



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PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the charge sheet in P.R.C.No.17 of 2019 on the file of the learned Judicial Magistrate, Lalgudi, Trichy and quash the same.

For Petitioner	: Mr.D.Anbarasu
For R-1	: Mr.P.Kottaichamy
	Government Advocate (Criminal Side)
For R-2	: Mr.S.Muthukrishnan

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- 1.Mahalingam
- 2.Subash Chandrabose
- 3.Sathishkumar
- 4.Silambarasan
- 5.Tamilselvan
- 6.Chellappan
- 7.Menaga Gandhi
- 8.Mukkayee
- 9.Ammasi

... Petitioners

Vs.

- 1.The State Rep. by
The Inspector of Police,
Siraganoor Police Station,
Trichy District.

... 1st Respondent/Complainant

- 2.Aruljothi

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No.64



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of 2018 on the file of the learned Judicial Magistrate, Lalgudi, Trichy and quash the same as illegal as against this petitioner.

For Petitioners : Mr.S.M.Mohan Gandhi

For R-1 : Mr.P.Kottaichamy
Government Advocate (Criminal Side)

COMMON ORDER

Crl.O.P.(MD)No.14715 of 2021 has been to quash the proceedings in P.R.C.No.17 of 2019 pending on the file of the learned Judicial Magistrate, Lalgudi, Trichy.

2.Crl.O.P.(MD)No.7119 of 2022 has been to quash the proceedings in C.C.No.64 of 2018 pending on the file of the learned Judicial Magistrate, Lalgudi, Trichy.

3.The case of the prosecution in Crl.O.P(MD)No.14715 of 2021, is that there is a civil dispute pending between the parties, the petitioners and others were trespassed into the second respondent's house and demolished the compound wall and also threatened the second respondent with dire consequences. Hence, the second respondent made a complaint before the first respondent Police and the first respondent



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Police registered a case in Crime No.139 of 2013 against the petitioners and the first respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate, Lalgudi, Trichy and the learned Judicial Magistrate has taken cognizance in P.R.C.No.17 of 2019 for the alleged offences punishable under Sections 147, 294(b), 448 and 506(ii) of IPC and Section 3(1) of TNPPDL.

3.1.The case of the prosecution in Crl.O.P.(MD)No.7119 of 2022 is that when the second respondent, who is the concerned Revenue Inspector and other officers went to the village for an enquiry based on the complaint of one Palaniyappan and Rajamanikam, the petitioners prevented the second respondent and other officers and abused them in filthy language. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.52 of 2013 against the petitioners and the first respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate, Lalgudi, Trichy and the learned Judicial Magistrate has taken cognizance in C.C.No.64 of 2018 for the alleged offences punishable under Sections 147, 148, 353, 452, 294(b) and 427 of IPC.



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4.The learned counsels appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against them and there is no specific allegation made against the petitioners.

5.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 these petitions.

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



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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 P.R.C.No.17 of 2019 and C.C.No.65 of 2016, pending on the file of the learned Judicial Magistrate, Lalgudi, Trichy, respectively. Accordingly, these Criminal Original Petitions are dismissed. However, the learned Judicial Magistrate, Lalgudi, Trichy, is directed to conclude the trial in P.R.C.No.17 of 2019 and C.C.No.65 of 2016 and dispose of the same simultaneously as well, as expeditiously as possible. 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. 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



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of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

21.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
SJI

To

- 1.The Judicial Magistrate, Lalgudi, Trichy.
- 2.The Sub-Inspector of Police,
Siruganoor Police Station,
Trichy District.
- 3.The Inspector of Police,
Siruganoor Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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