



CrI.O.P.(MD)No.8476 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.8476 of 2022
and CrI.M.P.(MD)No.5744 of 2022

Seeni Pandi

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
(Crime No.95 of 2018)

2.Krishnamoorthi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the proceedings in C.C.No.241 of 2018 pending on the file of the learned Judicial Magistrate No.I, Tirunelveli District and quash the same as against the petitioner.

For Petitioner : Mr.R.L.Dhilipan Pandian

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.

For R2 : No Appearance



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.241 of 2018 pending on the file of the learned Judicial Magistrate No.I, Tirunelveli District.

2.The case of the prosecution is that due to parking dispute, the petitioner and other accused persons entered into the apartment and damaged the cars and also assaulted the watchman. Hence, the second respondent filed a complaint before the first respondent Police, based on which, a case in Cr.No.95 of 2018 came to registered for the offences punishable under Sections 147, 148, 294(b), 352, 427, 506(ii) IPC. Upon completion of investigation, the first respondent Police filed a charge sheet for the offence under Sections 294(b), 352, 506(ii), 452 IPC and the same was taken on file in C.C.No241 of 2018 by the learned Judicial Magistrate No.I, Tirunelveli District. Challenging the same, the present petition has been filed by the petitioner.



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

4.The learned Additional Public Prosecutor appearing for the first respondent submitted 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.

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).***



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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 the proceeding in C.C.No.241 of 2018 pending on the file of the learned Judicial Magistrate No.I, Tirunelveli District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.

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 and this Court may direct the trial Court to complete the trial within a stipulated time.



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10. 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. Further, the learned Judicial Magistrate No.I, Tirunelveli District is directed to complete the trial in C.C.No.241 of 2018, within a period of three months from the date of receipt of a copy of this order.

07.03.2024

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

gns

To

- 1.The Judicial Magistrate No.I, Tirunelveli District.
- 2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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