



CrI.O.P.(MD)No.8432 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **05.03.2024**

CORAM:

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

CrI.O.P.(MD) No.8432 of 2022

and

CrI.M.P.(MD).Nos.5696 & 5698 of 2022

1.Sakthivel

2.Tamilselvan

... Petitioners

Vs.

1.The State through
Inspector of Police,
All Women Police Station,
Andipatti, Theni.
(In Crime No.08 of 2021)

2.Sureshkumar,
Leader and Member,
Child Welfare Committee Office,
Theni District.

3.xxx,
Theni.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in connection with the charge sheet in Spl.S.C.No.111 of 2021 pending on the file of the learned Fast Track Mahila Court, Theni and quash the same insofar as Accused Nos.9 and 10 are concerned.

For petitioners
For R-1

: Mr.K.Navanetharaja
: Mr.S.Manikandan
Government Advocate
(Criminal Side)



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 Spl.S.C.No.111 of 2021 on the file of the learned Fast Track Mahila, Theni. Accordingly, this Criminal Original Petition is dismissed. Consequently, 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 their appearance on those days.

05.03.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1.The Fast Track Mahila Court, Theni.

2.The Inspector of Police,
All Women Police Station,
Andipatti,
Theni.

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

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M.DHANDAPANI. J.

TSG

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