



CrI.O.P.(MD)No.8490 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.8490 of 2022

and

CrI.M.P.(MD).No.5761 of 2022

1.T.V.Mani

2.Pappa

... Petitioners

Vs.

1.State through the
Inspector of Police,
District Crime Branch,
Tiruneveli District.
In Crime No.7 of 2020

2.M.Ramprasath

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in charge sheet filed in C.C.No.479 of 2021 pending on the file of the learned Judicial Magistrate No.1, Tirunelveli and quash the same.

For petitioners : Mr.J.Sivakumar

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

For R-2 : No Appearance



WEB COPY



CrI.O.P.(MD)No.8490 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.479 of 2021 pending on the file of the learned Judicial Magistrate No.1, Tirunelveli.

2. The case of the prosecution is that the petitioners have received some amount from the *defacto* complainant and they did not repay the said amount to him as assured by them. Hence, he made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.7 of 2020 against the petitioners and thereafter, the respondent Police has conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.1, Tirunelveli and the learned Judicial Magistrate has taken cognizance in C.C.No.479 of 2021 for the alleged offence punishable under Sections 406, 420, 448 and 506(i) IPC and Section 34 IPC.

3. The learned counsel appearing for the petitioners would submit that the petitioners are no way connected with the said occurrence and they did not commit any offence as alleged by the prosecution. Hence, he prays for allowing this petition.



WEB COPY

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 / defacto complainant.

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 C.C.No.479 of 2021, pending on the file of the learned



Crl.O.P.(MD)No.8490 of 2022

Judicial Magistrate No.I, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

8. At this juncture, the learned counsel appearing for the petitioners would submit that this Court by considering the age of the petitioners may dispense with the personal appearance of them 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.

29.02.2024

Index : Yes/No
Internet : Yes/No
TSG



Crl.O.P.(MD)No.8490 of 2022

To

1.The Judicial Magistrate No.I, Tirunelveli.

2.The Inspector of Police,
District Crime Branch,
Tiruneveli District.

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

WEB COPY



WEB COPY



Crl.O.P.(MD)No.8490 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.8490 of 2022

29.02.2024