



CrI.O.P.(MD)No.7808 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.7808 of 2022

and

CrI.M.P.(MD).Nos.5317 & 5318 of 2022

Rajeshkanna

... Petitioner

Vs.

1.The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.
(Crime No.810 of 2020)

2.P.Jagadheeswaran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings in C.C.No.53 of 2021 on the file of the Additional Mahila Court, Thanjavur, as against the petitioner concerned.

For petitioner

: Mr.P.Mani Anandh

For R-1

: Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)



WEB COPY



Crl.O.P.(MD)No.7808 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in in C.C.No.53 of 2021 on the file of the Additional Mahila Court, Thanjavur, against the petitioner herein.

2. The case of the prosecution is that the petitioner was running a Spa Centre in the name and style of Taj Spa Centre. When the first respondent Police and other Police Officials were entered into the Spa and they found that some illegal activities were taken place in the Spa. Thereby, the respondent Police arrested the petitioner and two other accused perons and registered a case against the accused persons in Crime No.810 of 2020 and conducted the investigation and on completion of investigation, they filed a charge sheet in C.C.No.53 of 2021 for the alleged offence under Sections 3(1), 4(1), 5(1) (a) of Immoral Traffic (Prevention) Act r/w 269 and 270 IPC before the Additional Mahila Court, Thanjuvur.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is a practising Advocate, 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 petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

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 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 charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. 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)

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.53 of 2021, pending on the file of the learned Additional Mahila Judge, Thanjavur. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.



WEB COPY

7. 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.

29.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1. The Additional Mahila Court, Thanjavur.

2. The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.

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



WEB COPY



Crl.O.P.(MD)No.7808 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.7808 of 2022

29.02.2024