



CRL OP(MD). No.8436 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.8436 of 2022
and CrI.M.P(MD) 5702 of 2022**

Arul Suthan @ Suthan

... Petitioner

Vs

1. State represented by
The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.
(In Crime No.423/2020).

2. Mahesh Babu

... Respondents

PRAYER :- Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records in S.T.C. No.272 of 2022 on the file of Judicial Magistrate, Ambasamudiram and quash the same as against the petitioner.

For Petitioner : M/s. R. Pon Karthikeyan
For Respondents : M/s. S. Manikandan for R1
Government Advocate (Crl.side)
No appearance for R2



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ORDER

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This petition has been filed seeking to quash the charge sheet in STC No.272/2022 on the file of the learned Judicial Magistrate, Ambasamuthram.

2. The case of the prosecution is that on 14.09.2020, it was alleged that the de-facto complainant, on the request made by one Sankaran, had dropped him in front of the house of the petitioner. However, apprehending that Sankaran has brought the de-facto complainant to attack the petitioner and others, the petitioner alleged to have threatened the de-facto complainant and attacked him. Hence, a complaint has been preferred and the same was registered in Crime No. 423/2020 and upon completion of investigation, chargesheet came to be filed under Sections 294(b), 323 and 506(I) IPC, for quashing which, the petitioner is before this court.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated and the petitioner has nothing to do with the alleged offence. He would further submit that in order to prove



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the offence, none of the witnesses have spoken about the occurrence or against the petitioner or the role of the petitioner and hence, he prays for allowing this petition.

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 him 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 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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6. For the reasons aforesaid, this Court finds no ground or scope to quash STC No.272 of 2022, pending on the file of the learned Judicial Magistrate, Ambasamudram. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are dismissed.

7. 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. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioners 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.

22.02.2024

NCC : Yes/No
Index : Yes/No
RR

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TO

1.The Judicial Magistrate, Ambasamudiram

2.The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.



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M.DHANDAPANI. J

RR

**ORDER
IN
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