



Crl.O.P.(MD)No.9963 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.9963 of 2022
and
Crl.M.P.(MD).No.6274 of 2022

1.Vetri Malar
2.V.Augustin
3.Ponraj
4.Swetlin Jebakumar ... Petitioners

Vs.

1.The State Rep.by
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli.

2.Rubi ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.689 of 2021 on the file of the learned Judicial Magistrate No.V, Tirunelveli and quash the same.

For petitioners	: M/s.Sneha for Mr.K.Prakash
For R-1	: Mr.P.Kottaichamy Government Advocate (Criminal Side)
For R-2	: Mr.R.Mohana Sundaram



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.689 of 2021 on the file of the learned Judicial Magistrate No.V, Tirunelveli, against the petitioners herein.

2. The case of the prosecution is that the marriage between the elder son of the defacto complainant and the daughter of the first accused was performed in the year 2018 and there was a matrimonial dispute between them, due to which, the accused persons attacked the defacto complainant and her family members and threatened them with dire consequences. Hence, the defacto complainant made a complaint before the first respondent Police, based on which, a case in Crime No. 175 of 2019 for the offence punishable under Sections 294(b), 324, 355, 323 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, and after conducting the investigation, the first respondent Police filed a charge sheet before the learned Judicial Magistrate No.V, Tirunelveli, and the same was taken on file in C.C.No.689 of 2021 for the offence punishable under Sections 294(b), 324, 355, 506(2) and 325 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation as against the petitioners.

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. 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 C.C.No.689 of 2021, pending on the file of the learned Judicial Magistrate No.V, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7. 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.

8. 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.

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Index : Yes/No
Internet : Yes/No
ssb



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To

1. The Judicial Magistrate No.V, Tirunelveli.

2. The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli.

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



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M.DHANDAPANI. J.

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