



WEB COPY



CrI.O.P.(MD)No.8935 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2024**

CORAM:

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

CrI.O.P.(MD) No.8935 of 2022

and

CrI.M.P.(MD).No.5989 of 2022

S.Rohini

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.31 of 2019

2.Monika

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating with impugned charge sheet in C.C.No.118 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul.

For petitioner

: Mr.S.Saravanakumar

For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.118 of 2021 for the offence under Sections 406,



420, 466, 468, 471 and 120B IPC on the file of the learned Judicial Magistrate No.II, Dindigul.

2. It is seen that a suit in O.S.No.291 of 2018 was pending between the petitioner and the second respondent. While so, the petitioner has obtained orders from the concerned Court in her favour by forging the signature of the second respondent. Hence, the complaint.

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

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that all those points raised before this Court is a triable issue, which cannot be canvassed before this Court and it can be canvassed only at the time of trial.

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.118 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7. At this juncture, the learned counsel appearing for the petitioner would submit that this Court may consider to dispense 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 petitioner before the trial court is dispensed with except for her 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



Crl.O.P.(MD)No.8935 of 2022

petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

04.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate No.II, Dindigul.

2.The Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.31 of 2019

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



WEB COPY



Crl.O.P.(MD)No.8935 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.8935 of 2022

04.03.2024