



Crl.O.P.(MD)No.12101 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.12101 of 2022

and

Crl.M.P.(MD)Nos.7646 & 7647 of 2022

K.Nachimuthu

... Petitioner

Vs.

1.The State rep by
The Inspector of Police,
Ariyamangalam Police Station, Trichy City.
(Crime No.197 of 2021)

2.Anu Priyanka

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the chare sheet in the above C.C.No.266 of 2022 on the file of the Judicial Magistrate (Additional Mahila Court), Tiruchirappalli and quash the same as illegal.

For Petitioner : Mr.B.Janarth Kumar

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R2 : No Appearance



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CrI.O.P.(MD)No.12101 of 2022

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.266 of 2022 pending on the file of the learned Judicial Magistrate (Additional Mahila Court), Tiruchirappalli.

2.The case of the prosecution is that the petitioner and the second respondent are close relatives. Due to civil dispute, the petitioner abused her in filthy language, attacked and also threatened her with dire consequences. Hence, she filed a complaint before the first respondent Police, based on which, the first respondent Police registered a case in Cr.No.197 of 2021 for the offence punishable under Sections 294(b), 323, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Upon completion of investigation, the first respondent Police filed a charge sheet, which was taken on file in C.C.No.266 of 2022 by the learned Judicial Magistrate (Additional Mahila Court), Tiruchirappalli.



Crl.O.P.(MD)No.12101 of 2022

3.The learned counsel appearing for the petitioner submitted that there is a civil dispute pending between the parties and five civil suits and five writ petitions are pending in this regard. He further submitted that the petitioner did not committed any offence as alleged by the prosecution and due to civil dispute, the second respondent foisted a false case. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that the first respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below.

5.Heard the learned counsel on either side and perused the materials available in the record.

6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this



Crl.O.P.(MD)No.12101 of 2022

regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426).***

7.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 charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

8.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.266 of 2022, pending on the file of the learned Judicial Magistrate (Additional Mahila Court), Tiruchirappalli. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.

9.At this juncture, the learned counsel appearing for the petitioner submitted that this Court may consider dispensing with the personal



CrI.O.P.(MD)No.12101 of 2022

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 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.

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate (Additional Mahila Court),
Tiruchirappalli.
- 2.The Inspector of Police,
Ariyamangalam Police Station, Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.12101 of 2022

M.DHANDAPANI,J.

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Crl.O.P.(MD)No.12101 of 2022

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