



Crl.O.P.(MD)No.10938 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **05.03.2024**

CORAM:

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

Crl.O.P.(MD) No.10938 of 2022
and
Crl.M.P.(MD).Nos.6908 & 6909 of 2022

Pandiyarajan

... Petitioner

Vs.

1.The State through
the Inspector of Police,
Palani Town Police Station,
Dindigul District.
(Crime No.408 of 2019)

2.Shanthiveeran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the case in C.C.No.92 of 2020 pending on the file of the learned Judicial Magistrate, Palani, Dindigul District and quash the same as against the petitioner.

For petitioner

: Mr.R.Anand

For R-1

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

For R-2

: Mr.S.Balamurugan



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Crl.O.P.(MD)No.10938 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.92 of 2020 pending on the file of the learned Judicial Magistrate, Palani, Dindigul District, as against the petitioner.

2. The case of the prosecution is that on 16.10.2019 at about 05.00 P.M., when the *defacto* complainant was in his house, he heard a sound nearby and immediately, he rushed to the spot where the sound came and found that the petitioner herein has filled a sewage water path by sand. Due to which, the sewage water has been flown from the opposite side of the petitioner's house, thereby, a quarrel arose between themselves and suddenly, the petitioner slapped the second respondent on his left cheek and assaulted the second respondent's brother's wife by slipper and pulled her hands. Both of them sustained grievous injuries. Hence, a case in Crime No.408 of 2019 has been registered by the respondent Police and the respondent Police has conducted the investigation and after completing the investigation, they have filed a charge sheet before the learned Judicial Magistrate, Palani, Dindigul and the same was taken on file in C.C.No.92 of 2020 for the offence punishable under Sections 294(b), 323, 325, 355 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is the sole accused in C.C.No.92 of 2020. He would further submit that already there was a pathway dispute between the petitioner and the second respondent / *defacto* complainant. He would further submit that the second respondent's sister is a Police Constable and taking advantage of the same, the second respondent has filed a false complaint against the petitioner. Similarly, the petitioner has also filed a private complaint in Cr.M.P.No.545 of 2020 before the learned Judicial Magistrate, Palani and the trial Court vide order dated 20.01.2021, had taken cognizance against the second respondent and three others for the alleged offence punishable under sections 447, 323 and 325 IPC and the same was taken on file in C.C.No.9 of 2021 and the learned Judicial Magistrate has issued summons to Accused Nos.1 to 4. He would further submit that this Court may issue a direction to the learned Judicial Magistrate to conduct the trial in the private complaint filed by the petitioner and the proceedings in C.C.No.92 of 2020 pending against the petitioner before the learned Judicial Magistrate, Palani and complete the same within a stipulated time fixed by this Court.

4. The learned Additional Public Prosecutor have no serious objection to conduct the trial simultaneously in both cases.



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CrI.O.P.(MD)No.10938 of 2022

5. Heard the learned counsel appearing for the second respondent.

6. In view of the above, without expressing any opinion on the merits of the matter, this Court is inclined to issue a direction to the learned Judicial Magistrate, Palani, to conduct simultaneous trial in C.C.No.92 of 2020 and C.C.No.9 of 2021 and conclude the same within a period of twelve weeks from the date of receipt of a copy of this order.

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.

8. The learned counsel appearing for the second respondent would submit that the second respondent herein in this case is the second Accused in C.C.No.9 of 2021 and he requests before this Court to dispense with the personal appearance of the second respondent before the Court below.



CrI.O.P.(MD)No.10938 of 2022

9. Taking into consideration the request as made by the learned counsels for the petitioner and the second respondent herein, the appearance of the petitioner and the second respondent 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 petitioner and the second respondent is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

10. Accordingly, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

05.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate, Palani, Dindigul District.

2.The Inspector of Police,
Palani Town Police Station,
Dindigul District.

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



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Crl.O.P.(MD)No.10938 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.10938 of 2022

05.03.2024