



WEB COPY



Crl.O.P.(MD)No.10445 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2024**

CORAM:

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

Crl.O.P.(MD) No.10445 of 2022

and

Crl.M.P.(MD).Nos.6525 and 6528 of 2022

P.Ajin

... Petitioner/A5

Vs.

1.The State Through
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.259 of 2017

... 1st Respondent/Complainant

2.Shoba

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned charge sheet in C.C.No.97 of 2019 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District and to quash the same as illegal insofar as the petitioner is concerned.

For Petitioner	: Mr.K.Sivabalan for Mr.G.Aravinthan
For R-1	: Mr.P.Kottaichamy Government Advocate (Criminal Side)
For R-2	: Mr.V.Sasikumar



WEB COPY



CrI.O.P.(MD)No.10445 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.97 of 2019 pending on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, insofar as the petitioner is concerned.

2.The case of the prosecution is that there was a civil suit pending between the parties, on 08.05.2017, at about 04.30 p.m., when the defacto complainant and another victim were going to a marriage function, the petitioner along with other accused persons waylaid the defacto complainant, abused them in filthy language and attacked them. Thereby, they sustained injuries. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.259 of 2017 against the petitioner and the first respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District and the learned Judicial Magistrate has taken cognizance in C.C.No.97 of 2019 for the alleged offences punishable under Sections



Crl.O.P.(MD)No.10445 of 2022

147, 294(b), 323, 341 and 506(i) of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002.

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 made against the petitioner.

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 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.97 of 2019, pending on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District. Accordingly, this Criminal Original Petition is dismissed with a direction to the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, is directed to complete the trial and dispose of the case in C.C.No.97 of 2019 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are 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 his appearance for the purpose of receiving the



CrI.O.P.(MD)No.10445 of 2022

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.

07.03.2024

Index : Yes/No
Internet : Yes/No
NCC: Yes/No
SJI

To

- 1.The Judicial Magistrate No.I,
Padmanabhapuram, Kanyakumari District.
- 2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.10445 of 2022

M.DHANDAPANI. J.

SJI

CrI.O.P.(MD)No.10445 of 2022

07.03.2024