



Crl.O.P.(MD)No.10653 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.10653 of 2022

and

Crl.M.P.(MD).Nos.6673 and 6677 of 2022

1.Mohamed Feroze
2.Mohamed Maidheen
3.Jesima

... Petitioners

Vs.

1.The State rep. By
Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City,
Tirunelveli District.
2.Sulaika Praveen

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the C.C.No.435 of 2018 on the file of the Chief Judicial Magistrate Court, Tirunelveli and quash the same as illegal.

For petitioner
For R-1

For R2

: Mr.K.A.Althaf sheriff
: Mr.P.Kottaichamy
Government Advocate (Crl.Side)
: Mr.K.Rajeshwaran



ORDER

WEB COPY

This petition has been filed seeking to quash the proceedings in C.C.No.435 of 2018 pending on the file of the Chief Judicial Magistrate Court, Tirunelveli.

2. The case of the prosecution is that the second respondent married the first petitioner on 24.02.2013, from the date of marriage, the petitioners demanded more dowry from the defacto complainant and also harassed her. Hence, the second respondent Police made a complaint before the first respondent Police and the first respondent Police has registered a case in Crime No.54 of 2018. Thereafter, the first respondent has conducted investigation and after completing investigation, they filed a charge sheet before the Chief Judicial Magistrate Court, Tirunelveli, and the same was taken on file in C.C.No.435 of 2018.

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 (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 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)*.

6. For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in C.C.No.435 of 2018 on the file of the Chief Judicial Magistrate Court, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. Since the case is pending from the year 2018, the trial Court is directed to complete the trial in C.C.No.435 of 2018 within a



Crl.O.P.(MD)No.10653 of 2022

period of three (6) months from the date of receipt of a copy of this order and if the defacto complainant fails to appear before the trial Court within the above said period, the trial Court may pass appropriate orders in terms of Section 256 of Cr.P.C.

8. At this juncture, 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. 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.

18.03.2024

Index : Yes/No
Internet : Yes/No
tta



WEB COPY

To

Crl.O.P.(MD)No.10653 of 2022



1. Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.10653 of 2022

M.DHANDAPANI. J.

tta

Crl.O.P.(MD)No.10653 of 2022

18.03.2024