



Crl.O.P.(MD)No.10620 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.10620 of 2022

and

Crl.M.P.(MD).Nos.6643 & 6644 of 2022

N.Paneerselvam

... Petitioner / Sole Accused

Vs.

1.The State through
the Inspector of Police,
District Crime Branch,
Pudukottai District.
(Crime No.7 of 2021)

2.Dinesh

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in impugned charge sheet in C.C.No.30 of 2022 on the file of the learned Judicial Magistrate No.II, Pudukottai in Crime No.7 of 2021 on the file of the first respondent and quash the same as illegal insofar as Accused No.1 is concerned.

For petitioner

: Mr.J.Lawrance

For R-1

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

For R-2

: No Appearance



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.30 of 2022 on the file of the learned Judicial Magistrate No.II, Pudukottai, for the offence punishable under Sections 417, 420 and 406 IPC, insofar as the petitioner is concerned.

2. The case of the prosecution is that there was a money dispute between the petitioner and the defacto complainant. Hence, the defacto complainant made a complaint before the first respondent Police and the first respondent Police has registered a case in Crime No.30 of 2022 for the alleged offence punishable under Sections 417 and 420 IPC and they conducted the investigation. After completing the investigation, the first respondent Police has filed a charge sheet in C.C.No.30 of 2022 on the file of the learned Judicial Magistrate No.II, Pudukottai, for the offence punishable under Sections 417, 420 and 406 IPC.

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 (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.30 of 2022 on the file of the learned Judicial Magistrate No.II, Pudukottai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.



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7. 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 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

Index : Yes/No

Internet : Yes/No

TSG

To

1. The Judicial Magistrate No.II, Pudukottai.
2. The Inspector of Police,
District Crime Branch,
Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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