



WEB COPY



Crl.O.P.(MD)No.10647 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.10647 of 2022

and

Crl.M.P.(MD).Nos.6669 and 6670 of 2022

Murugan

... Petitioner

Vs.

1.State represented by
Inspector of Police,
Allinagaram Police station,
Allinagaram,
Theni District.

2.Manikandan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the final report in C.C.No.182 of 2018 on the file of the learned Judicial Magistrate Court, Theni District in Crime No.12 of 2013 dated 10.01.2023 on the file of the first respondent and quash the same as illegal as against the petitioner alone.

For petitioner
For R-1

: M/s.T.Seenisyed Amma
: Mr.P.Kottaichamy
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.(MD)No.10647 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.182 of 2018 pending on the file of the learned Judicial Magistrate Court, Theni District

2. The case of the prosecution is that the first accused had transferred his education institution to the defacto complainant for a consideration of Rs.21,00,000/-. Thereafter, the petitioner along with the other accused persons threatened the defacto complainant and also demanded a huge amount. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police has registered a case in Crime No.12 of 2013. Thereafter, the first respondent has conducted investigation and after completing investigation, they filed a charge sheet before the learned Judicial Magistrate Court, Theni District, and the same was taken on file in C.C.No.182 of 2018.

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. He further submitted that during the pendency of this petition, the defacto complainant died.



WEB COPY

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 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 the proceedings in C.C.No.182 of 2018 on the file of the Judicial Magistrate Court, Theni District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. Since the case is pending from the year 2018 and the defacto complianant died, the trial Court is directed to complete the trial in C.C.No.182 of 2018 within a period of three (6) months from the date



CrI.O.P.(MD)No.10647 of 2022

of receipt of a copy of this order and if the defacto complainant's legal heirs is not ready to proceed with the case before the trial Court within the above said period, the trial Court may pass appropriate orders in terms of Section 256(ii) of Cr.P.C.

8. 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 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 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



CrI.O.P.(MD)No.10647 of 2022

To

1. Inspector of Police,
Allinagaram Police station,
Allinagaram,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CrI.O.P.(MD)No.10647 of 2022

M.DHANDAPANI. J.

tta

CrI.O.P.(MD)No.10647 of 2022

18.03.2024