



Crl.O.P.(MD)No.10730 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.10730 of 2022

and

Crl.M.P.(MD).Nos.6716 and 6717 of 2022

Mayavan

... Petitioner / Accused No.1

Vs.

1.The State through
The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
Crime No.350 of 2019.

2.K.Krishnan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.230 of 2021 on the file of the learned Judicial Magistrate, Ambasamudram and quash the same.

For petitioner : Mr.R.Vinoth Bharathi

For R-1 : Mr.S.Manikandan
Government Advocate
(Criminal Side)

For R2 : Mr.J.Jeyakumaran



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ORDER

This Petition has been filed seeking to quash the proceedings in C.C.No.230 of 2021 on the file of the learned Judicial Magistrate, Ambasamudram, against the petitioner herein.

2. The case of the prosecution is that the petitioner and one Mayvanathan, who is the second accused, had run chit in Mayvan Temple situated in Velikalipatti Village without any permission and the defacto complainant has joined in the chit and deposited some amount, however, auction did not conduct for the past nine months. While so, on 22.10.2019, when the petitioner and the second accused were standing in front of the said Temple, the second respondent asked them to repay the amount, for which, the accused persons abused the defacto complainant in filthy language and threatened him with dire consequences and cheated him. Hence, the second respondent preferred a complaint before the first respondent Police and thereafter, the Police officials registered FIR in Crime No.350 of 2019 for the offence punishable under Sections 294(b), 406, 420 and 506(1) IPC and after conducting the investigation, the first respondent Police filed a charge sheet before the learned Judicial Magistrate, Ambasamudram, for the offence punishable



under Sections 294(b), 406, 420, 506(1) and 201 IPC and the same was taken on file in C.C.No.230 of 2021.

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.230 of 2021, pending on the file of the learned Judicial Magistrate, Ambasamudram. Accordingly, this Criminal Original Petition is dismissed.

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 and may direct the trial Court to dispose of C.C.No.230 of 2021 within a reasonable time.

8. 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. The learned Judicial Magistrate,



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Ambasamudram, is directed to dispose of C.C.No.230 of 2021 within a period of six months from the date of receipt of a copy of this order.

Connected miscellaneous petitions are closed.

14.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To

1. The Judicial Magistrate, Ambasamudram
2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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