



Crl.O.P.(MD)No.11147 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2024

CORAM:

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

Crl.O.P.(MD) Nos.11147 and 11356 of 2022 and
Crl.M.P.(MD).Nos. 7026 and 7165 of 2022

P.Karthickraja

... Petitioner/Accused in
Crl.O.P.No.11147/2022

1.D.Muniyasamy

2.A.Packiyaraj

3.I.Prakashraj

... Petitioner/Accused in
Crl.O.P.No.11356/2022

Vs.

1.The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
Crime No.21/2021

2.K.Lokirajan

...Respondents in both
petitions

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C, to call for the records pertaining to the chargesheet in PRC.No.6 of 2021, filed by the first respondent in Crime No.21/2021 pending on the file of the Judicial Magistrate No.I, Sattur, Virudhunagar District, and quash the same as illegal against the petitioners

For petitioners
(in both petitions)

: Mr.C.M.Arumugam

For R-1

: Mr.P.Kottaichamy
Government Advocate (Criminal Side)



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For R-2

: No Appearance

COMMON ORDER

These petitions have been filed seeking to quash the charge sheet in C.C.No.6 of 2021 on the file of the learned Judicial Magistrate, No.I.Sattur.

2. The case of the prosecution is that the petitioners are arrayed as accused in Crime No.21/2021, which was registered on the complaint preferred by the 2nd respondent, for offences under Sections 294(b), 323, 324, 307 and 506(I) IPC. On completion of investigation, charge sheet has been filed before the jurisdictional court and the same is pending, for quashing which, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that though a complaint has been preferred, the petitioners have nothing to do with the alleged offence and prays for interference.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot



be quashed and the charges against the petitioners have to be gone into only at the time of trial. He would also submit that the wound certificate is also available in order to prove the offence committed by the petitioners and hence, he prayed for dismissal of the petitions.

5. It is seen that 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 them 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 had 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 P.R.C.No.6 of 2021, pending on the file of the learned Judicial Magistrate, No.I, Sattur. Accordingly, these petitions, being devoid of merits, are dismissed. Consequently, connected miscellaneous petitions are dismissed.



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7. The learned counsel appearing for the petitioners submitted that this Court may consider dispensing 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.

04.03.2024

Index : Yes/No

Internet : Yes/No

RR

To

1. The Judicial Magistrate, No.I, Sattur

2. The Sub Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

RR

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