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CrI.O.P.(MD)No.10857 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2024**

CORAM:

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

CrI.O.P.(MD) No.10857 of 2022
and
CrI.M.P.(MD).No.6831 of 2022

Fathima

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy.

2.Eram

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned charge sheet in P.R.C.No.35 of 2022 on the file of the learned Additional Mahila Court, Tiruchirappalli and quash the same as against the petitioner is concerned.

For petitioner : Mr.S.Ramakrishnan

For R-1 : Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)

For R-2 : Mr.K.M.Karunakaran



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ORDER

This petition has been filed seeking to quash the proceedings in P.R.C.No.35 of 2022 for the alleged offence punishable under Sections 420, 508 and 109 IPC on the file of the learned Additional Mahila Court, Tiruchirappalli and quash the same as against the petitioner is concerned.

2. The case of the prosecution is that the first accused is alleged to have committed sexual intercourse with the defacto complainant and all the accused persons have taken away 100 sovereigns of gold jewels and cash amount of Rs.20,00,000/- from the defacto complainant. Hence, the complaint.

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 would further submit that the proceedings in P.R.C.No.35 of 2022 was now committed to the Sessions Court and after committal, the case was taken on file in S.C.No.106 of 2022 and the same was made over to the learned Sessions Judge, Mahila Court, Tiruchirappalli and now, it is pending.



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 S.C.No.106 of 2022 before the learned Sessions Judge, Mahila Court, Tiruchirappali. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.



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7. 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 her 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.

04.03.2024

Index : Yes/No
Internet : Yes/No
TSG

To

- 1.The Sessions Judge, Mahila Court,
Tiruchirappali.
- 2.The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

TSG

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