



Crl.O.P.(MD)No.12052 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.03.2024**

CORAM:

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

Crl.O.P.(MD) No.12052 of 2022

1.Valliammal

2.Kadarkarai

3.Minnal Jyothi

... Petitioners

Vs.

1.The State represented by
the Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.

2.Manikandan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records connected with the case in P.R.C.No.05 of 2022 pending on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District and quash the same.

For petitioners

: Mr.T.S.Mohamed Mohideen

For R-1

: Mr.B.Nambiselvan,
Additional Public Prosecutor



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ORDER

This petition has been filed seeking to quash the proceedings in P.R.C.No.05 of 2022 pending on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, insofar as the petitioners are concerned.

2. The case of the prosecution is that the second respondent's parents are working as Sanitary Workers for the past eight years. It is alleged that the petitioners herein abused the second respondent's parents by using their caste name. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police has registered a case in Crime No.293 of 2021 for the offence punishable under Sections 194(b), 306 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Thereafter, the first respondent has conducted investigation and after completing investigation, they filed a charge sheet before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District and the same was taken on file in P.C.R.No.5 of 2022.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation as against the petitioners.



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4. The learned Additional Public Prosecutor 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 petitioners, if they are subjected to due trial as sufficient opportunity would be given to the petitioners 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 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 P.C.R.No.5 of 2022 on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District. Accordingly, this Criminal Original Petition is dismissed.



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7. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense 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.

08.03.2024

Index : Yes/No
Internet : Yes/No
TSG

To

1.The Judicial Magistrate, Rajapalayam, Virudhunagar District.

2.The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar 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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