



WEB COPY



Crl.O.P.(MD)No.10872 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2024**

CORAM:

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

Crl.O.P.(MD) No.10872 of 2022

Alavudeen

... Petitioner

Vs.

1.State represented by
the Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.82 of 2016)

2.Selva Deepa

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.101 of 2017, pending on the file of the learned Judicial Magistrate No.II, Kulithalai and quash the same.

For petitioner

: Mr.M.Suresh

For R-1

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

For R-2

: No Appearance



WEB COPY



CrI.O.P.(MD)No.10872 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.101 of 2017, pending on the file of the learned Judicial Magistrate No.II, Kulithalai, Karur.

2. The case of the prosecution is that the petitioner herein called the second respondent, who is working as a Motor Vehicle Inspector over phone and told her to take action against the auto drivers, who were running the autos without proper permit. The second respondent replied to her that she had already taken action in the morning, which was refused by the petitioner. Thereby, the petitioner abused her by using filthy language and threatened her with dire consequences. Hence, the second respondent made a complaint before the first respondent Police and the same was registered in Crime No.82 of 2016 for the alleged offence punishable under Sections 294(b), 353 and 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act and the respondent Police conducted the investigation. After completing the investigation, the first respondent Police filed a final report before the learned Judicial Magistrate No.II, Kulithalai, Karur and the same was taken on file in C.C.No.101 of 2017.



WEB COPY

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 (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 C.C.No.101 of 2027, pending on the file of the learned



Crl.O.P.(MD)No.10872 of 2022

Judicial Magistrate No.II, Kulithalai, Karur. Accordingly, this Criminal Original Petition is dismissed.

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 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.

04.03.2024

Index : Yes/No
Internet : Yes/No
TSG



Crl.O.P.(MD)No.10872 of 2022

To

1.The Judicial Magistrate No.II, Kulithalai, Karur.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

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



WEB COPY



CrI.O.P.(MD)No.10872 of 2022

M.DHANDAPANI. J.

TSG

CrI.O.P.(MD)No.10872 of 2022

04.03.2024