



CrI.O.P.(MD)No.12380 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.12380 of 2022
and
CrI.M.P.(MD).Nos.7830 & 7831 of 2022

T.Shantha

... Petitioner

Vs.

1.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.

2.Tamilselvi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in connection with C.C.No.3 of 2016 on the file of the learned Judicial Magistrate, Thirumangalam and quash the same.

For petitioner : Mr.B.Chandramohan

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

For R-2 : Mr.N.Balasubramanian



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.3 of 2016 on the file of the learned Judicial Magistrate, Thirumangalam against the petitioner herein.

2. The case of the prosecution is that due to property dispute arose between the petitioner and the second respondent, the petitioner along with other accused persons abused the second respondent in a filthy language and threatened her with dire consequences. Hence, the second respondent made a complaint before the learned Judicial Magistrate, Tirumangalam and on the direction of the learned Judicial Magistrate, the respondent Police has registered a case in Crime No.146 of 2010 for the offence under Sections 452, 342, 294(b), 427, 506(i), 109 and 379 IPC against six accused persons. Thereafter, the respondent Police conducted the investigation and after completing the investigation, they filed a charge sheet before the learned Judicial Magistrate, Tirumangalam and the same was taken on file in C.C.No.3 of 2016. Challenging the same, the present petition has been filed.



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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)***



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6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.3 of 2016, pending on the file of the learned Judicial Magistrate, Thirumangalam. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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.

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 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 her appearance on those days.

20.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
TSG



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To

- 1.The Judicial Magistrate, Thirumangalam.
- 2.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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