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Crl.O.P.(MD)No.10953 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.10953 of 2022

and

Crl.M.P.(MD).Nos.6915 and 6916 of 2022

Kannan

... Petitioner

Vs.

1.State represented by
the Inspector of Police,
Devakottai Police Station,
Sivagangai District.
(Crime No.55 of 2021)

2.Rajathi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.5 of 2022 on the file of the learned Judicial Magistrate, Devakottai and quash the same of the petitioner.

For petitioner : Mr.M.Ramu

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

For R-2 : No Appearance



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.5 of 2022 on the file of the learned Judicial Magistrate, Devakottai.

2. The case of the prosecution is that the petitioner with an bad intention hugged the second respondent and flew away from the spot. Thereafter, she made a complaint before the respondent Police and the same was registered in Crime No.55 of 2021 for the offence punishable under Sections 354-A, 506(i) IPC and Section 4 of Prohibition of Harassment of Women Act, 2002. Thereafter, the respondent Police has conducted the investigation and on completion of investigation, filed a final report before the learned Judicial Magistrate, Devakottai and the same was taken on file in C.C.No.5 of 2022.

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.5 of 2022 before the learned Judicial Magistrate, Devakottai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are 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 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

To

1.The Judicial Magistrate, Devakottai.

2.The Inspector of Police,
Devakottai Police Station,
Sivagangai 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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