



CRL OP(MD). No.12087 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 23.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.12087 of 2022 and
Crl.M.P.(MD) Nos.7643 and 8337 of 2022**

1. M. Thangam

2. S. Sorubaraja

3. K. Velmurugan

4. K. Selvam

5. S. Murugan

6. P. Perumalsamy

7. M. Vetrivel

... Petitioners

Vs

K. Karuppasamy

... Respondent

PRAYER :- Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records in C.C.No.106 of 2022 filed by the respondent pending on the file of the learned Judicial Magistrate Court No.II, Sattur and to quash the same as the same is devoid of merits and abusing the process of law with regard to the petitioners are concerned.



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CRL OP(MD). No.12087 of 2022

For Petitioners : M/s. C.M. Arumugam

For Respondent : M/s. S. Jeyapandi

ORDER

This petition has been filed seeking to quash the charge sheet in C.C.No.106 of 2022 pending on the file of the learned Judicial Magistrate Court No.II, Sattur.

2. The case of the prosecution is that the petitioner No.1 is the village head of the petitioners' village and there was some dispute between the petitioners and the respondent with regard to handing over of a land by the respondent to the village. Since the petitioners have stated that if the respondent did not hand over the landed property, he would be secluded from the village. Therefore, the respondent has filed a complaint before the jurisdictional police and before the police officials also, since the petitioners have taken the same stand, the respondent has preferred the private complaint, which was taken cognizance by the trial court in C.C.No.106/2022 under Sections 147, 294(b) and 506(I) IPC and 3,4(iv) of Protection of Civil Rights Act, 1955, for quashing the same,



the petitioners are before this court.

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3. The learned counsel for the petitioners would submit that there are no materials whatsoever available with the respondent to show that the petitioners have indulged in threatening the respondent to hand over the property. In the absence of any documents, the complaint itself seems to be preferred with ulterior motive in order to implicate the petitioners. He would further submit that since the respondent has encroached upon a landed property, the petitioners in the capacity of village head and other had asked the respondent to hand over the encroached property to the village and since the 1st petitioner has filed a public interest litigation against the respondent, the petitioners have been falsely implicated. Hence, on these grounds, he prays for allowing this petition.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.



CRL OP(MD). No.12087 of 2022

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 them 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 him. Useful reference in this regard can be had 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.106 of 2022 on the file of the learned Judicial Magistrate Court No.II, Sattur. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are dismissed.

7. The learned counsel appearing for the petitioners submitted that this Court may consider dispensing with the personal appearance of the petitioners before the court below. Taking into consideration the request



CRL OP(MD). No.12087 of 2022

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.

23.02.2024

NCC : Yes/No
Index : Yes/No
RR

TO

The Judicial Magistrate Court No.II,
Sattur.



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CRL OP(MD). No.12087 of 2022

M.DHANDAPANI. J

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**ORDER
IN
CRL OP(MD) No.12087 of 2022**

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