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Crl.O.P.(MD)No.11389 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2024**

CORAM:

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

Crl.O.P.(MD) No.11389 of 2022

and

Crl.M.P.(MD)No.7185 of 2022

1.K.Pandi

2.Sugandhi

... Petitioners/A1 & A2

Vs.

1.The Inspector of Police,
Town Police Station,
Thirumangalam,
Madurai District.
Crime No.412 of 2021

... 1st Respondent/Complainant

2.Patchaimmal

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of C.P.C., to call for the records in connection with the impugned charge sheet in C.C.No.164 of 2022 pending trial on the file of the learned Judicial Magistrate, Thirumangalam and quash the same.

For Petitioner : M/s.J.Saranya

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor for R1

M/s.J.Saranya for R2



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ORDER

This petition has been filed seeking to quash the impugned charge sheet in C.C.No.164 of 2022 pending trial on the file of the learned Judicial Magistrate, Thirumangalam.

2.The case of the prosecution is that on 11.10.2021 at about 07.00 a.m., due to property dispute, the petitioners and other accused attacked the second respondent and his son with deadly weapons and abused them in filthy language. Thereby, the second respondent lodged a complaint before the first respondent police and the same was registered in Crime No.412 of 2021 for the offences under Sections 294(b), 323 and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. After completion of investigation, the first respondent police filed a charge sheet, by altering the charges under Sections 294(b), 323 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, before the learned Judicial Magistrate, Thirumangalam and the same was taken on file as C.C.No.164 of 2022.



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3.The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and the petitioners also made a complaint as against the second respondent and others with the very same police station in Crime No.414 of 2021 on 14.10.2021. Since in the counter case, the charge sheet has not been filed, the first respondent police has to follow the procedures contemplated under Section 566(2) of the Tamil Nadu Police Standing Orders. However, the petitioners' case alone filed a charge sheet before the Court below. On the sole ground, the present petition is filed. Accordingly, she prayed for allowing this petition.

4.The learned Additional Public Prosecutor would submit that apart from filing the charge sheet in Crime No.412 of 2021, the first respondent police also conducted investigation in Crime No.414 of 2021 and the charge sheet is made ready. Challenging the same, the defacto complainant filed Crl.O.P.(MD)No.1754 of 2022 before this Court. However, the case in counter has to be disposed of simultaneously by the trial Court in terms of Section 566(2) of the Tamil Nadu Police Standing Orders. Hence, he prayed for dismissal of the petition.



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5.In view of the above facts and circumstances of the case, this petition is dismissed with liberty to the petitioners to canvass all those points before the trial Court. Consequently, connected miscellaneous petition is closed.

6.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.

23.02.2024

Index : Yes/No
Internet : Yes/No
NCC: Yes/No
SJI



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To

- 1.The Judicial Magistrate, Thirumangalam.
- 2.The Inspector of Police,
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.

SJI

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