



Crl.O.P.(MD)No.11723 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **05.03.2024**

CORAM:

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

Crl.O.P.(MD) No.11723 of 2022
and
Crl.M.P.(MD).No.7383 & 7384 of 2022

Anitha

... Petitioner

Vs.

1.The State through
the Inspector of Police,
Puliyarai Police Station,
Tenkasi District.
(Crime No.64 of 2016)

2.Mohan Dass

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, pertaining to the Final Report in C.C.No.357 of 2016 on the file of the learned Judicial Magistrate, Senkottai, Tenkasi District in Crime No.64 of 2016, dated 23.04.2016 on the file of the first respondent and quash the same as illegal as against the petitioners alone.

For petitioner

: Mr.S.Rajasekar

For R-1

: Mr.S.Manikandan
Government Advocate
(Criminal Side)



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For R-2

: Mr.N.S.Karthikeyan

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.357 of 2016 on the file of the learned Judicial Magistrate, Senkottai, Tenkasi District, insofar as the petitioner is concerned.

2. The case of the prosecution is that there was a civil dispute pending between the petitioner and the second respondent / defacto complainant. Hence, the second respondent / defacto complainant made a complaint before the first respondent Police and the first respondent Police has registered a case in Crime No.64 of 2016 for the alleged offence punishable under Sections 294, 323, 324 and 506(2) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and the respondent Police has conducted the investigation. After completing the investigation, the first respondent Police has filed a charge sheet in C.C.No.357 of 2016 on the file of the learned Judicial Magistrate, Senkottai, Tenkasi District, for the offence punishable under Sections 294, 323, 324 and 506(2) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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. Heard the learned counsel appearing for the second respondent.

6. 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 she is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth her 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



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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)

7. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.357 of 2016 on the file of the learned Judicial Magistrate, Senkottai, Tenkasi District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

8. 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 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.

05.03.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

- 1.The Judicial Magistrate, Senkottai, Tenkasi District.
- 2.The Inspector of Police,
Puliyarai Police Station,
Tenkasi 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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