



Crl.O.P.(MD)No.12274 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.12274 of 2022
and Crl.M.P.(MD)No.7759 of 2022

N.Arumugam

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli District.
(Crime No.20 of 2021)

2.Mariappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with C.C.No.691 of 2022 on the file of the learned Judicial Magistrate No.V, Tirunelveli, Tirunelveli District in Crime No.20 of 2021 on the file of the Inspector of Police, Pettai Police Station, Pettai, Tirunelveli District and quash the same in respect of the petitioner as devoid of merits and illegal.

For Petitioners : Mr.K.Prabakaran

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.691 of 2022 on the file of the learned Judicial Magistrate No.V, Tirunelveli, Tirunelveli District.

2.The case of the prosecution is that there was a dispute between the petitioner and the second respondent herein with regard to the management of the temple, viz, Kombu Madasamy Kovil situated at Pettai, Tirunelveli District. The second respondent herein fixed two CCTV cameras in the temple premises and the petitioner herein damaged the same. Hence, the second respondent filed a complaint, based on which, the first respondent registered a case in Cr.No.20 of 2021 for the offences punishable under Sections 447, 427, 379 IPC. Upon completion of investigation, the first respondent filed a final report, which was taken on file in C.C.No.691 of 2022 by the learned Judicial Magistrate No.V, Tirunelveli, Tirunelveli District. Challenging the same, the present petition came to be filed.



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3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and there is no materials to prove the allegations in the charge sheet. Due to dispute regarding the management of the temple, the second respondent filed a false complaint and the first respondent, without conducting a proper investigation, filed final report. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that the first respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below.

5.Heard the learned counsel on either side and perused the materials available in the record.

6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while



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quashing the charge sheet at the initial stage. 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).***

7.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 charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

8.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.691 of 2022, pending on the file of the learned Judicial Magistrate No.V, Tirunelveli, Tirunelveli District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.



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9. At this juncture, the learned counsel appearing for the petitioner submitted that this Court may consider dispensing 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.

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.V,
Tirunelveli, Tirunelveli District.
- 2.The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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