



Crl.O.P.(MD)No.12268 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.12268 of 2022

and

Crl.M.P.(MD)Nos.7755 & 7756 of 2022

Vairavan

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.

2.Latha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with CC.No.36 of 2021 on the file of the learned Judicial Magistrate, Rajapalayam and quash the same insofar as the petitioner concerned.

For Petitioner : M/s.Rajalakshmi Poornachandran

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



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ORDER

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This Criminal Original Petition has been filed to quash the charge sheet in CC.No.36 of 2021 pending on the file of the learned Judicial Magistrate, Rajapalayam.

2.The case of the prosecution is that the accused persons borrowed amount from the defacto complainant's sister. When she asked about the repayment, there was a quarrel arose between them, in which, the accused persons abused the defacto complainant, her sister and her mother and also attacked them. Hence, the defacto complainant filed a complaint before the first respondent Police, based on which, the first respondent Police registered a case in Cr.No.203 of 2020 for the offences punishable under Sections 294(b), 448, 324 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Upon completion of investigation, the first respondent Police filed a charge sheet, which was taken on file in C.C.No.36 of 2021 by the learned Judicial Magistrate, Rajapalayam. 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 a money dispute between the parties, for which, the second respondent foisted a false case as against the petitioner. 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 quashing the charge sheet at the initial stage. Useful reference in this



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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.36 of 2021, pending on the file of the learned Judicial Magistrate, Rajapalayam. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.

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



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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, Rajapalayam.
- 2.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI,J.

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