



Crl.O.P.(MD)No.11932 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.11932 of 2022

and

Crl.M.P.(MD).No.7534 of 2022

- 1.Chelladurai
- 2.Murugan
- 3.Jaya Jeyakodi
- 4.Thangadurai
- 5.Pandiselvi
- 6.Mokkadurai

... Petitioners

Vs.

- 1.The State through
The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
Crime No.08/2020

- 2.S.Divya

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.226 of 2021 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, and quash the same as far as the petitioners are concerned.



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For petitioners : Mr.C.Senthil Murugan
For R-1 : Mr.P.Kottaichamy
Government Advocate
(Criminal Side)
For R2 : Mr.M.Jegadeesh Pandian

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.226 of 2021 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, against the petitioners herein.

2. The case of the prosecution is that the marriage between the first petitioner and the second respondent was solemnized in the year 2019. From the date of the marriage, the first petitioner and the others harassed the second respondent demanding dowry and threatened her with dire consequences. Hence, the second respondent preferred a complaint before the first respondent Police and thereafter, the Police officials registered FIR in Crime No.08 of 2020 for the offence punishable under Sections 498(A), 406 and 506(i) IPC and Section 4 of TNPWH Act, and conducted the investigation and after conducting the investigation, the first respondent Police filed a charge sheet before the



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learned Judicial Magistrate, Additional Mahila Court, Madurai, and the same was taken on file in C.C.No.226 of 2021.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation as against the petitioners.

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.

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 the petitioners 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 them. Useful



reference 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)*.

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.226 of 2021, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai. Accordingly, this Criminal Original Petition is dismissed.

7. 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.

8. In respect of the first petitioner, since the serious allegations have been made against him, the appearance of the first petitioner is very much required before the trial Court. Hence, this Court is not inclined to dispense with the personal appearance of the first petitioner.

9. However, in respect of the petitioner Nos.2 to 6, since they are only in-laws of the second respondent, considering the request as made by the learned counsel for the petitioners, the appearance of the petitioner Nos.2 to 6 before the trial court is dispensed with except for



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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 petitioner Nos.2 to 6 is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petition is closed.

19.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To

1. The learned Judicial Magistrate, Additional Mahila Court, Madurai.
2. The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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