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Crl.O.P.(MD)No.13970 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2024**

CORAM:

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

Crl.O.P.(MD) No.13970 of 2022
and
Crl.M.P.(MD).Nos.8972 and 8973 of 2022

1. Johnpaul

2. Lilly

3. Jebaraj

4. Benny @ Bennyraj

... Petitioners/A1 to A4

Vs.

1.The Deputy Superintendent of Police,
Nanguneri Sub Division,
Tirunelveli District.

2.The Inspector of Police,
Moondradaipu Police Station,
Tirunelveli District.

Crime.No.9 of 2021.

...1st and 2nd Respondents/Complainants

3.Sundar

...3rd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned Charge Sheet in S.C.No.34 of 2022 on the file of the II Additional Sessions Court, Tirunelveli, and to quash the same as against petitioners.



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For petitioners : Mr.David Ganesan.J

For R1 and R2 : Mr.P.Kottaichamy
Government Advocate (Criminal Side)

ORDER

This petition has been filed seeking to quash the proceedings in S.C.No.34 of 2022 pending on the file of the II Additional Sessions Court, Tirunelveli.

2.The case of the prosecution is that due to the dispute in putting up shamiana tent, on 15.01.2021, the petitioners went to the house of the third respondent/defacto complainant and scolded him using filthy language by referring his caste name and also caused damage to his bike. Hence, the third respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.9 of 2021 against the petitioners and the respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned II Additional Sessions Judge, Tirunelveli and the learned Sessions Judge has taken cognizance in S.C.No.34 of 2022 for the alleged offence punishable under Sections 294(b), 427, 506 (ii) of I.P.C and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act cases, 2015.



3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and they did not involved in such offences as alleged by the prosecution.

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)*.



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6.For the reasons aforesaid, this Court finds no ground or scope to quash the case in S.C.No.34 of 2022 pending on the file of the II Additional Sessions Court, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.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.

12.03.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Deputy Superintendent of Police,
Nanguneri Sub Division,
Tirunelveli District.
- 2.The Inspector of Police,
Moondradaipu Police Station,
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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