



Crl.O.P.(MD)No.12091 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE AA.NAKKIRAN**

Crl.O.P.(MD)No.12091 of 2021
and Crl.O.P.(MD)Nos.6202 & 6203 of 2021

1.Hariharasuthen

2.Selvaraj

3.Kannabiran

... Petitioners

Vs.

1.State represented through
The Inspector of Police,
Alangula Police Station,
Tenkasi District.
(Crime No.568 of 2018)

2.A.P.P.Pakker Mohamed

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No.149 of 2020 pending on the file of the Judicial Magistrate Court, Alangulam and quash the same as against the petitioners.

For Petitioner

: Mr.A.Sankararamasubramanian

For R1

: Mr.R.M.Anbunithi,

Additional Public Prosecutor

For R2

: No Appearance



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ORDER

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This criminal original petition has been filed to quash the impugned charge sheet in C.C.No.149 of 2020 pending on the file of the Judicial Magistrate Court, Alangulam.

2.The case of the prosecution is that the defacto complainant is working as Sales Executive in Seyadu Beedi Company. The accused persons manufactured lower quality beedi and used the trade mark of the defacto complainant's company. Hence, the second respondent lodged a complaint, based on which, a case in Cr.No.568 of 2018 registered for the offence under Sections 482, 483, 486 and 420 IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No. 149 of 2020 by the Judicial Magistrate Court, Alangulam. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that the second petitioner is running a specific Trade Mark Beedi company in the name and style of "A1-AC Beedi Company" and he regularly paid all the taxes to the Government. Due to the business motive and



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competition, the second respondent lodged a false complaint and the first respondent, without conducting proper investigation, filed the final report. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted 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.The learned counsel appearing for the second respondent submitted that there is no ground to quash the charge sheet and the petitioners have to face the trail. Accordingly, he prayed to dismiss the present petition.

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 regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana - Vs - Bhajan Lal (1992 SCC (Crl.) 426).***



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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 petitioners if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth his defence. The petitioners cannot be let by quashing the charge framed against them 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.149 of 2020 pending on the file of the Judicial Magistrate Court, Alangulam. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed. The petitioners are at liberty to raise all the grounds, which are raised in the present petition, before the trial Court.

9.At this juncture, the learned counsel appearing for the petitioners prayed to dispense with the personal appearance of the petitioners before the Trial Court.



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10.Considering the request made by the learned counsel appearing for the petitioners, the personal appearance of the petitioners is dispensed with before the trial Court with the following conditions:-

i)The personal appearance of the petitioners are 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 petitioner is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

03.04.2024

Index: Yes/No
Internet: Yes/No
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To

1.The Judicial Magistrate Court, Alangulam

2.The Inspector of Police,
Alangula Police Station,
Tenkasi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AA.NAKKIRAN,J
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