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CrI.O.P.(MD)No.13403 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2024**

CORAM:

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

CrI.O.P.(MD) No.13403 of 2022
and
CrI.M.P.(MD).Nos.8539 & 8540 of 2022

Raja

... Petitioner

Vs.

1.The State,
Represented by
the Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.91 of 2020)

2.Nowshad Ali @ Navasath Alikhan ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to quash the proceedings in C.C.No.12 of 2021 on the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District.

For petitioner : Mr.D.Rameshkumar

For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.12 of 2021 on the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District.

2. The case of the prosecution is that the petitioner has sent a voice record by insulting the defacto complainant's religion by using filthy language. Hence, the second respondent Police made a complaint before the first respondent Police and the first respondent Police has registered a case in Crime No.91 of 2020 for the offence punishable under Sections 294(b), 505(2) IPC and Section 67 of Information Technology Act. Thereafter, the first respondent has conducted investigation and after completing investigation, they filed a charge sheet before the learned Judicial Magistrate, Karaikudi, Sivagangai District and the same was taken on file in C.C.No.12 of 2021.

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



4. The learned Government Advocate (Criminal Side)

appearing for the respondent Police would submit that all those points raised before this Court is a triable issue, which cannot be canvassed before this Court and it can be canvassed only at the time of trial.

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 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 charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. 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.12 of 2021 on the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.



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7. At this juncture, the learned counsel appearing for the petitioner would submit that this Court may consider to dispense 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.

07.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate, Karaikudi, Sivagangai District.

2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

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



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M.DHANDAPANI. J.

TSG

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