



Crl.O.P.(MD)No.12947 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.12947 of 2022

and

Crl.M.P.(MD)Nos.8218 & 8219 of 2022

1.Tamilarasan

2.Ramesh

... Petitioners

Vs.

1.The State rep.by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
(In Crime No.101 of 2021)

2.Vetrivel

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case registered in impugned charge sheet in C.C.No.523 of 2021 on the file of the learned Judicial Magistrate No.III, Dindigul in Crime No.101 of 2021 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.J.Lawrance



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For R1

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

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.523 of 2021 pending on the file of the learned Judicial Magistrate No.III, Dindigul.

2.The case of the prosecution is that the second respondent borrowed amount from the petitioners for the purpose of purchasing bullock cart and he repaid the same. However, the petitioners frequently picked up quarrel with him in respect of money transaction. On 05.02.2021, the petitioners way laid the second respondent and abused him in filthy language and also attacked him with stick. Therefore, the second respondent filed a complaint before the first respondent, based on which, a case in Cr.No.101 of 2021 was registered for the offence punishable under Sections 341, 294(B), 323, 506(i) IPC. Upon completion of investigation, the first respondent filed charge sheet, which was taken on file in C.C.No.523 of 2021 by the learned Judicial



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Magistrate No.III, Dindigul. Challenging the same, the present petition came to be filed.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and the first respondent without conducting proper investigation, filed charge sheet. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the 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. He would further 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 hence, he would pray to dismiss the present petition.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.side) appearing for the respondent.



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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)***.

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 their 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 them.

8. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.523 of 2021, pending on the file of the learned Judicial Magistrate No.III, Dindigul. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are also closed.



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9. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider dispensing 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.

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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M.DHANDAPANI,J.

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To

- 1.The Judicial Magistrate No.III, Dindigul.
- 2.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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