



Crl.O.P.(MD)No.13224 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **12.03.2024**

CORAM:

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

Crl.O.P.(MD) No.13224 of 2022

and

Crl.M.P.(MD).Nos.8428 and 8429 of 2022

1. E.D.Ganeshan @ Periyasamy
2. Santanam
3. Murosali
4. P.Sakthivel
5. Mani @ Kalimuthu
6. K.Manikandan
7. M.Muruganantham
8. P.Rajagopal
9. R.Santhanaselvan
10. M.Veerappan
11. M.Thangaraj
12. C.Murugan
13. P.Ramasamy
14. S.Ramasamy



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15. R.Mayilsamy

16. R.Chandrasekar

17. Veluchamy

18. Rajkumar

... Petitioners/A1 & A18

Vs.

1.Nallathambi

... 1st Respondent/Petitioner

2.The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul District.

... 2nd Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the case in C.C.No.97 of 2021 on the file of the learned Judicial Magistrate, Vedasanthur, Dindigul and quash the same as illegal.

For petitioners : Mr.Vigneshkumar.M

For R-1 : Mr.P.Kottaichamy
Government Advocate (Criminal Side)

For R-2 : Mr.A.Ganesan

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.97 of 2021 on the file of the learned Judicial Magistrate, Vedasanthur, Dindigul.



2.The case of the prosecution is that the second respondent is the hereditary trustee of Sri Selva Vinayagar Kovil, Karuppannasamy Kovil and Maduraiveeran Kovil at D.Koodalur village. In such circumstances, the accused persons disturbed the first respondent and others. Hence, the first respondent made a complaint before the second respondent Police and the second respondent Police registered a case in Crime No.141 of 2018 against the petitioners, thereafter, compromise was reached between the parties and the case was referred as mistake of fact on 11.05.2018. In the mean time, the first respondent filed a suit against the petitioners before the District Munsif Court, Vedasanthur, O.S.No.53 of 2016 and the suit was decreed in favour of the first respondent. Challenging the same, the petitioners preferred an appeal in A.S.No.4 of 2017 and the same was ordered that the petitioners are allowed to worship the said temple and to do all poojas, challenging the same, the first respondent filed a private complaint against the petitioners in C.C.No.97 of 2021 before the learned Judicial Magistrate, Vedasanthur, Dindigul, and the same was taken cognizance for the offences punishable under Sections 147, 148, 447, 506(ii) of IPC on 09.04.2021.



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 made 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)*.



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6.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.97 of 2021, pending on the file of the learned Judicial Magistrate, Vedasanthur, Dindigul. 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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M.DHANDAPANI. J.

Indu

To

- 1.The learned Judicial Magistrate,
Vedasanthur, Dindigul,
- 2.The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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