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CrI.O.P.(MD)No.13909 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

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

CrI.O.P.(MD) No.13909 of 2022

and

CrI.M.P.(MD).No.8925 of 2022

K.Sudalaimuthu

... Petitioner/A2

Vs.

1.The Sub-Inspector of Police,
CSCID (Madurai)
Kuzhithurai,
Kanyakumari District.

... 1st Respondent/Complainant

2.Suresh Kumar,
Sub-Inspector of Police-2277,
Kuzhithurai Police Station,
Kanyakumari District.

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the C.C.No.136 of 2022 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

For Petitioner : Mr.M.S.Jeyakarthish

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.136 of 2022 pending on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

2.The case of the prosecution is that on 25.01.2020 at about 05.15 a.m., based on the secret information, the first respondent police intercepted the vehicle bearing Registration No.TN-92-C-7112 TATA 407, which was driven by the first accused namely, Chinnaissakki @ Patturajan and seized 50 bags of PDS rice, each contains 50 kgs and 10 white plastic bags each contains 25 kgs, totally 2750, worth about Rs.77,275 and the vehicle worth about Rs.10,00,000/-. Hence, the case in Crime No.12 of 2020 was registered against the petitioner and other accused and the first respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and the learned Judicial Magistrate has taken cognizance in C.C.No.136 of 2022 for the alleged offences punishable under Sections 6(3) and 6(4) of TNSC (RDCS) order 1982 r/w 7(1)(a)(ii) of EC Act, 1955.



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3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and a false case has been foisted against the petitioner and there is no specific allegation made against the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner 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 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 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.136 of 2022, pending on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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.

14.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

- 1.The Judicial Magistrate No.III, Nagercoil, Kanyakumari District.
- 2.The Sub-Inspector of Police,
CSCID (Madurai)
Kuzhithurai,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

SJI

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