



Crl.O.P.(MD)No.15295 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.15295 of 2022

and

Crl.M.P.(MD)No.10029 of 2022

N.B.Saravanan

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur (Dt)
(In Crime No.1031 of 2020)

2.K.Geetha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.38 of 2022 on the file of the District Munsif cum Judicial Magistrate, Thiruvidaimaruthur and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.B.Janath Ahamed

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R2 : Mr.M.Karunakaran



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.38 of 2022 on the file of the District Munsif cum Judicial Magistrate, Thiruvudaimaruthur.

2.The case of the prosecution is that on 23.06.2020, when the second respondent and her husband returned from Thiruppuvanam Silk Co-operative Society, the accused persons abused them in filthy language and also threatened them with dire consequences. Hence, the second respondent preferred a complaint, based on which, FIR in Cr.No. 1031 of 2020 had been registered for the offence under Sections 294(b), 354 and 506(i) IPC. Upon completion of investigation, the first respondent filed final report, which was taken on file in C.C.No.38 of 2022 by the District Munsif cum Judicial Magistrate, Thiruvudaimaruthur. Challenging the same, the present petition has been filed.



3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution.

In fact, there was a scuffle between other accused and the defacto complainant's husband and the petitioner only tried to pacify them. He further submitted that the first respondent, without conducting proper investigation, has filed final report, which is not sustainable one. Accordingly, he prayed to quash the impugned final report.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted that the first 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. Accordingly, he prayed to dismiss the present petition.

5.The learned counsel appearing for the second respondent submitted that the grounds, which raised in this petition, are all triable issue and the same cannot be agitated before this Court under Section 428 Cr.P.C. He further submitted that there are materials available to



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proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

6.Heard the learned counsel on either side and perused the materials available in the record.

7.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).***

8.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 charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.



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9.For the reasons aforesaid, this Court finds no ground or scope to quash the proceeding in C.C.No.38 of 2022 pending on the file of the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

10.At this juncture, the learned counsel appearing for the petitioner submitted that this Court may consider dispensing with the personal appearance of the petitioner before the court below and this Court may direct the trial Court to complete the trial within a stipulated time.

11.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



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direct his appearance on those days. Further, the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur is directed to complete the trial in C.C.No.38 of 2022, within a period of six months from the date of receipt of a copy of this order.

12.03.2024

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

- 1.The District Munsif cum Judicial Magistrate,
Thiruvidaimaruthur.
- 2.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur (Dt).
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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