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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2024**

CORAM:

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

Crl.O.P.(MD) No.13534 of 2022
and
Crl.M.P.(MD).Nos.8618 and 8619 of 2022

1.A.Kalisamy
2.Iyyappan
3.Arumugam
4.Sivasankar @ Siva
5.Iyyappan
6.A.Mariammal ... Petitioners

Vs.

1.The State rep. through
the Inspector of Police,
V.K.Pudur Police Station,
Tirunelveli District.
In Crime No.280 of 2017

2.Sundaralingam ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in C.C.No.82 of 2018 pending on the file of the learned Judicial Magistrate, Alankulam, Tirunelveli District and quash the same against the petitioners.

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For petitioners : Mr.R.Anand

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

For R2 : No appearance

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.82 of 2018 pending on the file of the learned Judicial Magistrate, Alankulam, Tirunelveli District, against the petitioners herein.

2. The case of the prosecution is that on 12.10.2017, when the second respondent was on patrol duty, he found two tractors belonging to the accused No.2 and the tractors were found in possession of half unit of river sand. When the vehicle was intercepted by the second respondent and his Police officials, the accused persons have picked up quarrel with the second respondent and threatened him. Hence, the second respondent preferred a complaint, based on which, a case in Crime No.280 of 2017 was registered for the offence punishable under Sections 147, 148, 341, 294(b), 353, 506(2) and 379 IPC and after conducting the investigation, the first respondent Police filed a charge sheet before the learned Judicial Magistrate, Alangulam, Tirunelveli District, and the same was taken on

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file in C.C.No.82 of 2018 for the offence punishable under Sections 147, 148, 341, 294(b), 353, 506(2) and 379 IPC.

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 as 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

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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.82 of 2018, pending on the file of the learned Judicial Magistrate, Alankulam, Tirunelveli District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. 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 and may permit the petitioners to file a discharge petition before the trial Court.

8. 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,

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shall direct their appearance on those days. Liberty is granted to the petitioners to file a discharge petition before the trial Court.

19.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To
1. The Judicial Magistrate, Alankulam, Tirunelveli District.

2.The Inspector of Police,
V.K.Pudur Police Station,
Tirunelveli District.

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

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M.DHANDAPANI. J.

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