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Crl.O.P.(MD)No.13889 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

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

**Crl.O.P.(MD) No.13889 of 2022**

**and**

**Crl.M.P.(MD).Nos.8900 and 8901 of 2022**

Selva Ganesh

... Petitioner/A4

Vs.

1.The Inspector of Police,  
North Police Station,  
Thoothukudi

... 1<sup>st</sup> Respondent/Complainant

2.Lakshmi

... 2<sup>nd</sup> Respondent/Defacto complainant

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned charge sheet in S.C.No.126 of 2022 on the file of the learned Additional District Judge No.1, Thoothukudi and quash the same insofar as the petitioner is concerned.

|                |                                     |
|----------------|-------------------------------------|
| For Petitioner | : Mr.C.Jeganathan                   |
| For R-1        | : Mr.S.Manikandan                   |
|                | Government Advocate (Criminal Side) |
| For R-2        | : Mr.M.Manokumar                    |

**ORDER**

This petition has been filed seeking to quash the proceedings in S.C.No.126 of 2022 pending on the file of the learned

Additional District Judge No.1, Thoothukudi.



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2.The case of the prosecution is that due to previous enmity regarding the criminal case in Crime No.342 of 2021 against the petitioner, on 24.03.2022, the petitioner along with other accused attacked the defacto complainant's husband with deadly weapons. Thereby, the defacto complainant's husband lost his life. Hence, the second respondent/defacto complainant made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.227 of 2022 against the petitioner and other accused and the respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Additional District Judge No.1, Thoothukudi and the learned Additional District Judge has taken cognizance in S.C.No.126 of 2022 for the alleged offences punishable under Sections 294(b), 302, 506(ii) and 120(b) of IPC and Section 4 of Women Harassment Act.

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 based on the confession statement of the co-accused, the petitioner was arrayed as accused in this case there is no specific allegation made against the petitioner.



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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)*.

6.For the reasons aforesaid, this Court finds no ground or scope to quash S.C.No.126 of 2022, pending on the file of the learned Additional District Judge No.1, Thoothukudi. Accordingly, this Criminal



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Original Petition is dismissed. Consequently, connected miscellaneous petitions are 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 Additional District Judge No.1, Thoothukudi.
- 2.The Inspector of Police,  
North Police Station,  
Thoothukudi
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.DHANDAPANI. J.**

SJI

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**14.03.2024**