



CrI.O.P.(MD)No.14049 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.03.2024**

CORAM:

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

CrI.O.P.(MD) No.14049 of 2022
and
CrI.M.P.(MD).No.9029 of 2022

1.D.Joseph Shamraj
2.Lilli Joyce

... Petitioners / Accused
Nos.2 and 3

Vs.

1.State through
The Inspector of Police,
Anti Land Grapping Special Cell,
Tirunelveli District.

2.R.Saraswathi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records connected with the case in C.C.No.707 of 2020 pending on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same in respect of the petitioners.

For petitioners	: Mr.S.Malaikani
For R1	: Mr.S.Manikandan Government Advocate (Criminal Side)
For R2	: Mr.F.X.Eugene



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.707 of 2020 pending on the file of the learned Judicial Magistrate No.I, Tirunelveli, against the petitioners herein.

2. The case of the prosecution is that due to the property dispute between the parties, the accused persons demanded money over telephone and threatened the defacto complainant. Hence, defacto complainant has given a complaint in Crime No.77 of 2011 for the offences under Sections 120-B, 420, 423, 465, 467, 468 and 506 of IPC and after completing the investigation, the respondent police has filed the final report before the learned Judicial Magistrate No.I, Tirunelveli, and the same was taken cognizance in C.C.No.707 of 2020.

3. The learned counsel appearing for the petitioners would submit that there is no violation of any regulation made by the petitioners stated in the complaint.

4. The learned Government Advocate (CrI. Side) appearing for the first respondent 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)*

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.707 of 2020, pending on the file of the learned Judicial Magistrate No.I, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.



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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.

20.03.2024

Index : Yes/No
Internet : Yes/No
tta

To

- 1.The Judicial Magistrate No.I,
Tirunelveli.
2. The Inspector of Police,
Anti Land Grapping Special Cell,
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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