



CrI.O.P.(MD)No.13972 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.13972 of 2022

and

CrI.M.P.(MD).Nos.8975 and 8976 of 2022

1.D.Joseph Shamraj

2.Lilli Joyce

... Petitioners

Vs.

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

2.S.Ganagaraj

... 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.234 of 2020 pending on the file of the learned Judicial Magistrate No.1, Tirunelveli and quash the same in so far as the petitioners are concerned.

For petitioners

: Mr.S.Malaikani

For R1

: Mr.S.Manikandan
Government Advocate
(Criminal Side)

For R2

: Mr.F.X.Eugene



WEB COPY



Crl.O.P.(MD)No.13972 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.234 of 2020 pending on the file of the learned Judicial Magistrate No.1, 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.76 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.234 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 (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 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.234 of 2020, pending on the file of the learned Judicial Magistrate No.1, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.



CrI.O.P.(MD)No.13972 of 2022

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 learned Judicial Magistrate No.1, 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.



WEB COPY



Crl.O.P.(MD)No.13972 of 2022

M.DHANDAPANI. J.

tta

Crl.O.P.(MD)No.13972 of 2022

20.03.2024