



CrI.O.P.(MD)No.14045 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.14045 of 2022
and
CrI.M.P.(MD)No.9016 of 2022

1.Abbas Ali

2.Syed Sulaiman

3.Gulam Mohamed

... Petitioners

Vs.

1.State through
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
In Crime No.347 of 2021

2.Abdul Muthaleep

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the final report in STC.No.21 of 2022 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District in Crime No.347 of 2021 dated 10.07.2021 and quash the same.



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For Petitioners : Mr.R.Anandharaj
For R1 : Mr.S.Manikandan,
Government Advocate (CrI. Side)
For R2 : Mr.P.Suresh

ORDER

This Criminal Original Petition has been filed to quash the final report in STC.No.21 of 2022 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District.

2.The case of the prosecution is that the accused persons and the defacto complainant are close relatives. The first petitioner's sister quarrelled with her husband, who is the defaco complainant herein and there was matrimonial dispute between them. Hence, the first petitioner's sister has given a complaint and based on the complaint, the Inspector of Police called the parties for enquiry. When the defacto complainant was standing in front of the Police Station, the petitioners



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herein scolded him in filthy language and also threatened him with dire consequences. Therefore, the second respondent preferred a complaint, based on which, FIR in Cr.No.347 of 2021 had been registered for the offences punishable under Sections 294(b) and 506(i) IPC. Upon completion of investigation, the first respondent filed final report, which was taken on file in STC.No.21 of 2022 by the learned Judicial Magistrate, Ambasamudram, Tirunelveli District. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and there is no materials to implicate the petitioners as accused. He further submitted that the first respondent Police, without conducting proper investigation, has filed final report, which is not sustainable. Accordingly, he prayed to quash the impugned final report.

4.The learned counsel appearing for the second respondent submitted that grounds, which raised in this petition, are all triable issue and the same cannot be agitated before this Court under Section 428



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Cr.P.C. He further submitted 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. Accordingly, he prayed to dismiss the present petition.

5.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the 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.

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

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).***



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

9.For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in STC.No.21 of 2022 pending on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District. 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 petitioners submitted that this Court may consider dispensing with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the



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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.

12.03.2024

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

- 1.The Judicial Magistrate,
Ambasamudram,
Tirunelveli District.
- 2.The Inspector of Police,
Ambasamudram 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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