



CrI.O.P.(MD)No.14395 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.14395 of 2022

and

CrI.M.P.(MD).Nos.9276 and 9277 of 2022

Devadass

... Petitioner/A3

Vs.

1.State Rep. by

The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
Crime No.11 of 2014

... 1st Respondent/Complainant

2.K.Anitha,

Sub-Inspector of Police,
Anti-Human Trafficking Wing,
Ramanathapuram,
Ramanathapuram District.

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned charge sheet in C.C.No.268 of 2019 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram and quash the same as illegalsofar as the petitioner is concerned.

For Petitioner : Mr.A.Arputharaj

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



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Crl.O.P.(MD)No.14395 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.268 of 2019 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram.

2.The case of the prosecution is that on 21.09.2014 as per the higher officials instruction, the second respondent inspected the occurrence place and found that one female and the petitioner have physical relationship in a private marriage hall. Thereafter, enquired about the said girl, she completed 9th standard and she is the native place of Palani, she is living with her family and stated that her family is in indigent circumstances and hence, doing this kind of immoral activities and thereafter, the girl was secured and recovered a sum of Rs.4,570/-. 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.11 of 2014 against the petitioner and the first respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram and the learned Mahila Judge has taken cognizance in C.C.No.268 of 2019 for the



alleged offences punishable under Sections 3(2)(a), 4(1), 7(1)(b) of Immoral Traffic Prevention Act, 1956.

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 there is no specific allegation made against the petitioner.

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 C.C.No.268 of 2019, pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram. Accordingly, this Criminal 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



CrI.O.P.(MD)No.14395 of 2022

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
SJI

To

- 1.The Judicial Magistrate, Additional Mahila Court, Ramanathapuram.
- 2.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.14395 of 2022

M.DHANDAPANI. J.

SJI

Crl.O.P.(MD)No.14395 of 2022

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