



WEB COPY



Crl.O.P.(MD)No.15933 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.03.2024**

CORAM:

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

Crl.O.P.(MD) No.15933 of 2022

and

Crl.M.P.(MD).Nos.10519 and 10520 of 2022

Subarathi

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
DCB, Tirunelveli District.

2.Edwin Dhas

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the charge sheet filed against the petitioner in C.C.No.173 of 2022 on the file of the Judicial Magistrate-1, Tirunelveli in respect of Crime No.1 of 2022 on the file of the first respondent police.

For petitioner

: Mr.P.P.Alwin Balan

For R1

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



WEB COPY



Crl.O.P.(MD)No.15933 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.173 of 2022 on the file of the Judicial Magistrate-1, Tirunelveli, against the petitioner herein.

2. The case of the prosecution is that the petitioner received a sum of Rs.20,00,000/- from the defacto complainant/second respondent and thereafter, he has not paid the said amount. Therefore, the defacto complainant lodged a complaint before the first respondent police and the same was registered in Crime No.01 of 2022 for the offences under Sections 406, 420, 294(b) and 506(ii) of IPC. After completing the investigation, the respondent police filed a final report before the learned Judicial Magistrate No.1, Tirunelveli and the same was taken cognizance in C.C.No.173 of 2022.

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

4. The learned Government Advocate (Crl. Side) appearing for the respondent police 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 has 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 her as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against her. 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.173 of 2022, pending on the file of the learned Judicial Magistrate No.1, Tirunelveli. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.



CrI.O.P.(MD)No.15933 of 2022

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 her 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 her appearance on those days.

20.03.2024

Index : Yes/No
Internet : Yes/No
tta

To

- 1.The Judicial Magistrate No.1,
Tirunelveli.
2. The Inspector of Police,
DCB, Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.15933 of 2022

M.DHANDAPANI, J.

tta

Crl.O.P.(MD)No.15933 of 2022

20.03.2024