



Crl.O.P(MD).No.14713 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.14713 of 2021 and
Crl.M.P(MD).No.7773 of 2021

Vijayamehanath

... Petitioner

Vs.

1.Sugitha

2.Bala Pradeep Raj

3.Bagavathi

4.Murugan

(R2 to R4 impleaded as per order of this Respondents
Court, dated 30.09.2021 in Crl.O.P(MD).No.14713 of 2021)

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.759 of 2021 on the file of the Judicial Magistrate Additional Mahila Court, Thiruchirappalli and quash the same as for as the petitioner is concerned.

For Petitioner : Mr. Muthugeethayan

For 1st respondent : Mr.D. Shanmugarajasethupathi

For 2nd respondent : Mr.M.Karunanithi

For respondents 3 & 4 : Mr. U. Prabhu



Crl.O.P(MD).No.14713 of 2021

ORDER

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This criminal original petition has been filed to quash the impugned charge sheet in C.C.No.759 of 2021 on the file of the Judicial Magistrate Additional Mahila Court, Thiruchirappalli.

2.The case of the prosecution is that there was a matrimonial dispute between A1 and the 1st respondent / defacto complainant and that the petitioner herein, who is the elder brother of A1 and the respondents / accused Nos. 2 to 4 herein are demanded additional dowry from the defacto complainant and also harassed her both mentally and cruelly. Based on the private complaint, the case has been charge sheeted in C.C.No.759 of 2021 on the file of the Judicial Magistrate Additional Mahila Court, Thiruchirappalli for the offences under Sections 498(A) and 406 r/w. 34 IPC. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a practising Advocate and he is residing in Chennai. Further, he visits his house only during the festival and Court vacations and hence, he is no way connected with the offence as alleged in the



Crl.O.P(MD).No.14713 of 2021

prosecution. He further submitted that the 1st respondent lodged the present complaint in order to harass the petitioner and his family and hence, he prayed to quash the impugned charge sheet.

4. The learned counsel appearing for the first respondent submitted 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. The learned counsel appearing for the respondents 2 to 4 / accused would submit that it is a dispute between the A1 and the defacto complainant and hence, he prayed to allow the present petition.

6. 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)***.



Crl.O.P(MD).No.14713 of 2021

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

8.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.759 of 2021 on the file of the Judicial Magistrate Additional Mahila Court, Thiruchirappalli. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

9.At this juncture, the learned counsel appearing for the petitioner prayed to dispense with the personal appearance of the petitioner before the Trial Court.

10.Considering the request made by the learned counsel appearing for the petitioner, the personal appearance of the petitioner is dispensed



Crl.O.P(MD).No.14713 of 2021

with before the trial Court with the following conditions:-

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i)The personal appearance of the petitioner 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 petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

08.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

The Judicial Magistrate Additional Mahila Court, Thiruchirappalli



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Crl.O.P(MD).No.14713 of 2021

A.A.NAKKIRAN, J.

Trp

Crl.O.P(MD).No.14713 of 2021 and
Crl.M.P(MD).No.7773 of 2021

08.04.2024