



Crl.O.P(MD).No.15653 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No. 15653 of 2021 and
Crl.M.P(MD).Nos.8419 and 8421 2021

1.Bose
2.Palani

... Petitioners

Vs.

1.State rep. by
The Inspector of Police,
Velyuthapattinam Police Station,
Sivagangai District.
(Crime No.45 of 2018)

2.Pavithra

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to the charge sheet filed in C.C.No.36 of 2021 on the file of the learned Judicial Magistrate Court, Devakkottai as against the petitioners.

For Petitioners : Mr.R. Senthilkumar

For respondent No.1 : Mr.K.Sanjigandhi

Government Advocate (Crl. side)

For respondent No.2 : No appearance



Crl.O.P(MD).No.15653 of 2021

ORDER

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The petitioners have filed this petition seeking quash of C.C.No.36 of 2021 on the file of the learned Judicial Magistrate Court, Devakkottai as against the petitioners.

2.The case of the prosecution is that due to civil dispute, the petitioners herein trespassed into the house of the defacto complainant and abused her in filthy language and also threatened with dire consequences. Hence, the second respondent lodged a complaint, based on which, a case in Cr.No.45 of 2018 registered for the offence under Sections 147, 448, 294(b) and 506(ii) IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.36 of 2021 on the file of the learned Judicial Magistrate, Devakkottai. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that the petitioner did not commit any offence as alleged by the prosecution and already civil litigations are pending between the petitioners and the second respondent. He further submitted that the second respondent



Crl.O.P(MD).No.15653 of 2021

lodge the present complaint by giving criminal colour to the civil dispute and the first respondent without conducting proper investigation, filed the final report. Accordingly, he prayed to quash the impugned charge sheet.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent 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 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. 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)***.

6. 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



Crl.O.P(MD).No.15653 of 2021

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.

7. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.36 of 2021 on the file of the learned Judicial Magistrate, Devakkottai. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.

18.04.2024

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

To

- 1.The learned Judicial Magistrate Court, Devakkottai
2. The Inspector of Police,
Velyuthapattinam Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P(MD).No.15653 of 2021

A.A.NAKKIRAN, J.

Trp

Crl.O.P(MD).No. 15653 of 2021 and
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