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CrI.O.P.(MD)No.14828 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2024**

CORAM:

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

CrI.O.P.(MD) No.14828 of 2022

and

CrI.M.P.(MD).No.9653 of 2022

Raviram

... Petitioner/A2

Vs.

1.The State Rep. by

The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.

... 1st Respondent/Complainant

2.J.S.Maheswari

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.65 of 2016 on the file of the learned Judicial Magistrate, Palani and quash the same insofar as the petitioner is concern.

For Petitioner : Mr.D.Venkatesh

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

For R-2 : Mr.T.Leninkumar



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.65 of 2016 pending on the file of the learned Judicial Magistrate, Palani.

2.The case of the prosecution is that the first accused is a divorcee and the marriage between the first accused and the second respondent was solemnized on 15.12.2011. After marriage, they were residing in a joint family along with the petitioner and his mother. Already there is a property dispute between the first wife and her husband. Subsequently, the petitioner and his mother abused the second respondent and also driven her out from the matrimonial home on 22.12.2013. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.13 of 2014 against the petitioner and the other accused persons and the first respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate, Palani and the learned Judicial Magistrate has taken cognizance in C.C.No.65 of 2016 for the alleged offences punishable under Sections 498-A, 294(b), 417 and 506(i) of I.P.C.



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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 him. 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).***



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6.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.65 of 2016, pending on the file of the learned Judicial Magistrate, Palani. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is 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 petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

21.03.2024

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

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



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M.DHANDAPANI. J.

SJI

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