



CrI.O.P.(MD)No.15101 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2024**

CORAM:

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

CrI.O.P.(MD) No.15101 of 2022
and
CrI.M.P.(MD).Nos.9860 & 9862 of 2022

1.Sheik Davathu

2.Syed Ibrahim

... Petitioners

Vs.

Meera Prasanna

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records in S.T.C.No.365 of 2022 on the file of the learned Judicial Magistrate, Melur and quash the same as illegal.

For petitioners

: Ms.Nihar Ali

ORDER

This petition has been filed seeking to quash the private complaint in S.T.C.No.365 of 2022 on the file of the learned Judicial Magistrate, Melur, against the petitioners



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2. The case of the prosecution is that due to property dispute arose between the petitioners and the respondent, the petitioners herein abused the respondent by using filthy language and threatened him with dire consequences. Aggrieved over the same, the respondent filed a private complaint in S.T.C.No.365 of 2022 before the learned Judicial Magistrate, Melur, for the offences punishable under Sections 294(b), 323 and 506(i) IPC. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation as against the petitioners. He would further submit that the present case is purely a civil dispute and the respondent has been attempting to give civil dispute a criminal colour.

4. 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 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 charges framed against them 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)***

5. For the reasons aforesaid, this Court finds no ground or scope to quash the private complaint in S.T.C.No.365 of 2022 on the file of the learned Judicial Magistrate, Melur.

6. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense with the personal appearance of the petitioners before the court below.

7. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their 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 petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.



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8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected miscellaneous petitions are closed.

25.03.2024

Index : Yes/No

Internet : Yes/No

NCC : Yes / No

TSG

To

1.The Judicial Magistrate, Melur.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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