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Crl.O.P.(MD)No.16026 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.03.2024**

CORAM:

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

Crl.O.P.(MD) No.16026 of 2022

and

Crl.M.P.(MD).No.10604 of 2022

- 1.Chakkarawarthy
- 2.Chokkar
- 3.Rajammal
- 4.Malar
- 5.Sugapriya
- 6.Anjugam

... Petitioners

Vs.

- 1.The State rep.by
The Inspector of Police,
AWPS, Thirumangalam,
Madurai.
Crime No.33 of 2013.

- 2.Vidhya

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.123/2014 on the file of the learned Judicial Magistrate, Thirumangalam and quash the same.



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

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.123 of 2014 on the file of the learned Judicial Magistrate, Thirumangalam, against the petitioners herein.

2. The case of the prosecution is that the defacto complainant is the wife of the first petitioner and the marriage between the defacto complainant and the first petitioner was solemnized in the year 2010. From the date of marriage, the petitioners harassed the defacto complainant demanding dowry and scolded her with dire consequence. Hence, the second respondent preferred a complaint before the first respondent Police, based on which, a case in Crime No.33 of 2013 was registered for the offence punishable under Sections 498(A), 406, 506(i) IPC and Section 4 of TNPWH Act. After completion of investigation, the first respondent Police filed a charge sheet before the learned Judicial Magistrate, Thirumangalam, and the same was taken on file in C.C.No.123 of 2014 for the offence punishable under Sections 498(A), 406, 506(i) IPC and Section 4 of TNPWH Act.



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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.

4. The learned Government Advocate (Crl. Side) would submit 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. 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)*.



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6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.123 of 2014, pending on the file of the learned Judicial Magistrate, Thirumangalam. Accordingly, this Criminal Original Petition is dismissed.

7. 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 and may direct the trial Court to dispose of C.C.No.123 of 2014 within a reasonable time.

8. 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. The learned Judicial Magistrate, Thirumangalam, is directed to dispose of



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C.C.No.123 of 2014 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To

- 1.The learned Judicial Magistrate, Thirumangalam.
- 2.The Inspector of Police,
AWPS, Thirumangalam,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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