



Crl.O.P.(MD)Nos.16189 of 2022 &12297 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.03.2024**

CORAM:

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

Crl.O.P.(MD) Nos.16189 of 2022 & 12297 of 2021

and

Crl.M.P.(MD).Nos.10723 & 10725 of 2022 & 6308 of 2021

R.Muthukumar ... Petitioner / Accused No.1 in Crl.O.P.
(MD).No.16189 of 2022

1.A.Rajendran

2.M.Sharadadevi

3.D.Manokaran

4.Irulayee ... Petitioners / Accused Nos.2 to 5 in Crl.O.P.
(MD).No.12297 of 2021

Vs.

1.State represented by
All Women Police Station,
Tirupparankundram,
Madurai District.
In Crime No.20 of 2019

2.V.Gunasundari ...Respondents in both petitions

COMMON PRAYER: Criminal Original Petitions are filed under
Section 482 of Cr.P.C, to call for the records in C.C.No.132 of 2021 on
the file of the learned Additional Mahila Court, Madurai and quash the



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same as against the petitioners.

For petitioners	: Mr.A.K.Azagarsami
For R-1	: Mr.P.Kottaichamy Government Advocate (Criminal Side)
For R-2	: Mr.M.Palani (In Both Petitions)

COMMON ORDER

These Petitions have been filed seeking to quash the proceedings in C.C.No.132 of 2021 on the file of the learned Additional Mahila Court, Madurai, against the petitioners herein.

2. The case of the prosecution is that due to matrimonial dispute arose between the first Accused and the second respondent, the petitioners herein abused the second respondent by using filthy language and assaulted her with hands and demanded her more money. It is further alleged that Accused No.1 has illegal intimacy with Accused No.6 and Accused No.1 forced the second respondent to sign in the Divorce Deed. Hence, the second respondent sent a representation to the Commissioner of Police, Madurai. But no action has been taken on her complaint. Hence, the second respondent filed a petition under Section 156(3) of Cr.P.C. before the concerned Magistrate and as per the direction of the



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learned Judicial Magistrate, the first respondent registered a case in Crime No.20 of 2019 and conducted investigation and on completion of investigation, the respondent Police has filed a charge sheet in C.C.No. 132 of 2021 on the file of the learned Additional Mahila Court, Madurai for the offence punishable under Sections 147, 148, 294(b), 323, 494, 498(A) and 506(2) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Challenging the same, the present petitions have 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 made 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. Heard the learned counsel appearing for the second



respondent.

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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 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)*

7. For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in C.C.No.132 of 2021 before the learned Additional Mahila Judge, Madurai. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

8. 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.



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9. 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.

27.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Additional Mahila Court, Madurai.

2.The All Women Police Station,
Tirupparankundram,
Madurai District.

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



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M.DHANDAPANI. J.

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