



***Crl.O.P.(MD)No.15542 of 2022***

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:15.03.2024**

**CORAM:**

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

**Crl.O.P.(MD) No.15542 of 2022**

**and**

**Crl.M.P(MD) Nos.10205 and 10206 of 2022**

K.Jeyapal

... Petitioner/Accused No.1

**Vs.**

1.The Inspector of Police,  
District Crime Branch,  
Madurai.  
(Crime No.4 of 2017).

...1<sup>st</sup> Respondent/Complainant

2.Perumal

...2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:** The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.593 of 2022 in Crime No.4 of 2017 on the file of the learned Judicial Magistrate No.1, Madurai, and quash the same.

For Petitioner

: Mr.Sundar.R

For R1

: Mr.P.Kottaichamy,  
Government Advocate (Crl.Side)



*Crl.O.P.(MD)No.15542 of 2022*

## **ORDER**

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This petition has been filed seeking to quash the proceedings in C.C.No.593 of 2022 pending on the file of the learned Judicial Magistrate No.1, Madurai.

2. The case of the prosecution is that the second respondent's native place is Thangammalpuram at Thoothukudi District, but he is residing at Chennai. He purchased a property to an extent of 6 cents comprised in S.No.72/2 and 72/4 through his brother one K.Ramasamy on 16.09.1990 vide sale deed Doc.No.1513/1990. Moreover, the second respondent had seen the property, whenever he returned from Chennai to his native place. When the second respondent visited the said property on 02.11.2016, it was surveyed and fenced with stones. Immediately, he called over the phone to the mobile number, which placed in the stones. One person i.e., the petitioner replied that he had purchased the said property from the original owner and threatened the second respondent if he creates any issue, he will face the consequence. Hence, the second respondent made a complaint before the first respondent Police and the



***Crl.O.P.(MD)No.15542 of 2022***

WEB COPY

first respondent Police registered a case in Crime No.4 of 2017 against the petitioner and others and the respondent Police conducted the investigation and on completion of investigation, the charge sheet has been filed before the learned Judicial Magistrate No.I, Madurai and the learned Judicial Magistrate has taken cognizance in C.C.No.593 of 2022 for the alleged offence punishable under Sections 406, 420, 447, 506(i), 120B, 465, 468, 471 and 34 of I.P.C.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and the petitioner had purchased the said property by spent his hard-earned money from the original owner of the above said property.

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



**Crl.O.P.(MD)No.15542 of 2022**

dismissal of the petition.

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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).***

6.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.593 of 2022 pending on the file of the learned Judicial Magistrate No.1, Madurai. Accordingly, this Criminal Original Petition is dismissed. However, the learned Judicial Magistrate No.1, Madurai, is directed to complete the trial in C.C.No.593 of 2022 as early as possible. Consequently, connected miscellaneous petitions are closed.



***Crl.O.P.(MD)No.15542 of 2022***

WEB COPY

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 their appearance on those days.

**15.03.2024**

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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***Crl.O.P.(MD)No.15542 of 2022***

**M.DHANDAPANI,J.**

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To:

- 1.The Inspector of Police,  
District Crime Branch,  
Madurai.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Crl.O.P.(MD) No.15542 of 2022**

**15.03.2024**