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Crl.O.P.(MD)No.16177 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.16177 of 2022
Crl.M.P(MD).Nos.10707 and 10708 of 2022

Sumathi

... Petitioner

Vs.

1.State through
The Inspector of Police,
Rameshwaram Town Police Station,
Rameshwaram,
Ramanathapuram District.

2.Chitrakala

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records, pertaining to the case in C.C.No.8 of 2021 on the file of the Judicial Magistrate Court, Rameshwaram and quash the same as illegal with regard to the petitioner/Accused No.2.

For petitioners
For R1

: Mr.P.Santhana Krishnan
: Mr.P.Kottai Chamy
Government Advocate (Crl.Side)



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.8 of 2021 on the file of the Judicial Magistrate Court, Rameshwaram against the petitioner herein.

2. The case of the prosecution is that the defacto complainant's husband/1st accused was having illegal relationship with the petitioner/second accused and the defacto complainant warned the first accused on several occasions. On 16.07.2019, the defacto complainant's husband stayed in Maruthi Lodge, situated at Rameshwaram along with the petitioner/second accused, after knowing the same, the defacto complainant went to the place and at that time, both the accused abused the defacto complainant in filthy language and also attacked her. Hence, the defacto complainant/second respondent preferred a complaint to the first respondent police and the Police officials registered FIR in Crime No.147 of 2019 for the offence punishable under Sections 294(b), 324, 323, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. After conducting the investigation, the respondent Police filed a charge sheet before the Judicial Magistrate Court, Rameshwaram and the the learned Judicial Magistrate has taken cognizance in C.C.No.8 of 2021.



3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and there is no specific allegation as 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 she is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth her defence. The petitioner cannot be let by quashing the charges framed against her as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against her. 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.8 of 2021, pending on the file of the Judicial Magistrate Court, Rameshwaram. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. 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 her 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 her appearance on those days.

11.03.2024

Index : Yes/No
Internet : Yes/No
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To

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- 1.The Judicial Magistrate Court,
Rameshwaram.
- 2.The Inspector of Police,
Rameshwaram Town Police Station,
Rameshwaram,
Rameshwaram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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