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Crl.O.P.(MD)No.15752 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

CORAM:

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

Crl.O.P.(MD) No.15752 of 2022 and
Crl.M.P.(MD).No.10418 of 2022

Manikandan

... Petitioner/2nd Accused

Vs.

1.The State rep. by its
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District
Crime No.426/2021

2.Kannan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records relating to the impugned chargesheet in C.C.No.249 of 2021, on the file of the learned Judicial Magistrate Court, Kamuthi, and quash the same insofar as the petitioner is concerned.

For petitioner : Mr.S.Vidhya Sagar

For R-1 : Mr.P.Kottaichamy

For R2 : No appearance



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ORDER

This petition has been filed seeking to quash the charge sheet in C.C.No.249 of 2021 on the file of the learned Judicial Magistrate, Kamuthi.

2. The case of the prosecution is that the petitioner is said to have pelted stones on the pet of the de-facto complainant and when questioned, it is alleged that the petitioner has assaulted the de-facto complainant also. Hence, a complaint has been lodged and on completion of investigation, chargesheet came to be filed, for quashing the same, the petitioner is before this court.

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence and that the complaint itself seems to be preferred with ulterior motive in order to implicate the petitioner due to previous motive. Hence, on these grounds, he prays for allowing this petition.

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. He would further submit that to substantiate the case of the de-facto complainant, wound certificate is also there and hence, he prayed for dismissal of the petition.

5. It is seen that 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 him 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 had 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.249 of 2021, pending on the file of the learned Judicial Magistrate, Kamuthi. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is dismissed.



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7. The learned counsel appearing for the petitioner submitted that this Court may consider dispensing 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 his appearance on those days.

08.03.2024

Index : Yes/No

Internet : Yes/No

RR

To

1. The Judicial Magistrate, Kamuthi

2. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District

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



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M.DHANDAPANI. J.

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