



CrI.OP(MD)No.15474 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.15474 of 2024

J.Thirupathiraj

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Dindigul Town North Police Station,
Dindigul. (Crime No.711 of 2015)

2.V.Moorthy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the proceedings in S.C.No.167 of 2017, on the file of the learned Assistant Sessions Judge, CJM Court, Dindigul and quash the same.

For Petitioner : Mr.J.Thirupathiraj,
(party-in-person)

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (CrI. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records pertaining to the proceedings in S.C.No.167 of 2017, on the file of the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Dindigul and quash the same.

2. It is not in dispute that the petitioner has filed a similar petition in CrI.O.P(MD)No.4700 of 2022, seeking to quash the charge sheet in S.C.No.167 of 2017 pending on the file of the learned Assistant Sessions Judge, (Chief Judicial Magistrate Court), Dindigul and this Court, considering the submission made by the petitioner (party-in-person), dismissed the petition and directed the learned Assistant Sessions Judge, to complete the trial within a period of three months from the date of receipt of copy of that order and the petitioner's appearance was also dispensed with. But, now the petitioner has filed the second application, seeking the very same relief of quashing the charge sheet.



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3. In the grounds of quash petition, the petitioner has challenged the order passed by the learned Assistant Sessions Judge in dismissing the application filed under Section 239 of Cr.P.C., but the relief claimed in the present Criminal Original Petition is to quash the charge sheet filed in S.C.No.167 of 2017 on the file of the learned Chief Judicial Magistrate, Dindigul.

4. Admittedly, FIR was registered in the year 2015 in Crime No.711 of 2015 and after filing of the final report, the case was taken on file in P.R.C.No.8 of 2017 on the file of the jurisdictional Magistrate Court and after committal, the case was taken on file in S.C.No.167 of 2017 and subsequently, the case was made over to the learned Assistant Sessions Judge/Chief Judicial Magistrate Court, Dindigul.

5. The learned Government Advocate (Criminal Side) would submit that the trial has been commenced and L.W.1 was examined and the case stands posted for examination of L.W.2.

6. The petitioner (party-in-person) would submit that the pleas now raised were not taken in the earlier petition. The inherent powers of High



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Court under Section 482 of Cr.P.C., can be invoked only in three situations

(i) In order to give effect to an order passed under the Code (ii) To prevent the abuse of the process of the Court and (iii) to secure the ends of justice.

7.The Hon'ble Supreme Court has repeatedly cautioned that the inherent powers under Section 482 should be exercised sparingly and with great caution and that the same should not be used to interfere with the jurisdiction of the trial courts or to scuttle a fair investigation or prosecution. More importantly, the relief available under Section 482 of Cr.P.C., is an extraordinary remedy that can be used in exceptional circumstances.

8. In the case on hand, as already pointed out, the petitioner has already moved a similar petition and invited this Court to pass an order rejecting his claim for quashing the charge sheet and granted the relief of dispensing his appearance before the trial Court and also for speedy disposal of the case.

9.The petitioner alleging that he has left out some grounds in the earlier petition, has approached this Court for the second time for the very



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same relief and it is not the case of the petitioner that there is a change in circumstances. Since the said remedy is an extraordinary remedy, no one can be allowed to raise grounds in piecemeal and file petition after petition for the very same relief. Viewing from any angle, this Court has no hesitation to hold that the present petition has been filed abusing and misusing the process of law and Court.

10. As rightly observed by the learned Judge of this Court, the petitioner is at liberty to canvass all the above aspects before the trial Court. As already pointed out, the trial Court was directed to complete the trial within a period of three months from the date of receipt of copy of the order. But according to the prosecution, only one witness has been examined so far.

11. Considering the above, the learned Assistant Sessions Judge, Chief Judicial Magistrate Court, Dindigul, is directed to complete the trial and dispose of the same within a period of three months from the date of receipt of copy of this order.



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12. With the above directions, this Criminal Original Petition stands dismissed.

18.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Assistant Sessions Judge, CJM Court,
Dindigul
- 2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

DAS

Order made in
CrI.O.P.(MD)No.15474 of 2024

Dated: 18.09.2024