



Crl.O.P.(MD)No.16364 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

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

Crl.O.P.(MD) No.16364 of 2022 and
Crl.M.P.(MD).Nos.10886 and 10887 of 2022

P.T.Nehrupandian

... Petitioner/sole Accused

Vs.

1.State rep. by
the Inspector of Police,
Dindigul Taluk Police Station,
Dindigul
(Crime No.505 of 2019)

2.R.Revathy

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned chargesheet in PRC.No.49 of 2022 on the file of the Judicial Magistrate, No.I, Dindigul and quash the same as illegal.

For petitioner

: Mr.B.Saravanan
Senior Counsel for
Mr.D.Kirubakaran

For R-1

: Mr.P.Kottaichamy
Government Advocate
(Criminal Side)



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For R-2

: No Appearance

ORDER

This petition has been filed seeking to quash the charge sheet in PRC.No.49 of 2022, on the file of the Judicial Magistrate, No.I, Dindigul.

2. The case of the prosecution is that the petitioner is arrayed as sole accused in this case and the charge against the petitioner is under Section 306 IPC. A complaint came to be lodged by the 2nd respondent as if the petitioner has insulted the deceased and therefore, the deceased had committed suicide by hanging himself. It is alleged that the deceased and one Rekha had taken dealership of a two wheeler showroom for valuable consideration and advance amount was also paid to open the showroom, ie., Rs.8 lakhs. They said to have taken subdealership from the petitioner herein. While so, since the owner of the building, where the two wheeler showroom sought to be opened, had returned the amount of Rs.8 lakhs, the deceased had sought refund of the said amount from the petitioner. However, it is alleged that at that time, the petitioner said to have assaulted and abused the deceased. Therefore, the deceased had



committed suicide. Hence, the complaint. On completion of investigation, charge sheet came to be filed in P.R.C. No.49/2022 before the trial court for offence under section 360 IPC, for quashing which the petitioner is before this Court.

3. The learned Senior Counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence. He would further submit that when the amount of Rs.8 lakhs had been paid to the deceased, the act of instigating the deceased does not arise. On these grounds, it is submitted that the chargesheet is liable to be quashed.

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. It is seen that the offence is under Section 306 IPC. Therefore, 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 PRC.No.49 of 2022 on the file of the Judicial Magistrate, No.I, Dindigul. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are dismissed.

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



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any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

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Index : Yes/No

NCC : Yes/No

RR

To

1. The Judicial Magistrate, No.I, Dindigul

2. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul

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



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M.DHANDAPANI. J.

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