



Crl.O.P.(MD)No.16826 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE AA.NAKKIRAN**

Crl.O.P.(MD)No.16826 of 2022
and Crl.M.P.(MD)No.11265 of 2022

1.J.Jain Shaji

2.R.Thatheyu Premkumar

... Petitioners

Vs.

1.State Represented by
The Sub-Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.287 of 2013)

2.C.Antony

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No.16 of 2014 for the offence under Sections 294(b), 323 and 506(ii) IPC pending before the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District and quash the same as against the petitioners as illegal.

For Petitioner

: Mr.J.Pandi Dorai

For R1

: Mr.K.Sanjai Gandhi,

Government Advocate(Crl.side)



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ORDER

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This criminal original petition has been filed to quash the charge sheet in C.C.No.16 of 2014 for the offence under Sections 294(b), 323 and 506(ii) IPC pending before the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District.

2.The case of the prosecution is that the accused persons abused the second respondent in filthy language and also assaulted him. Therefore, the second respondent lodged a complaint before the first respondent, based on which, a case in Cr.No.287 of 2013 has been registered for the offences punishable under Sections 294(b), 323 and 506(ii) IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.16 of 2014 by the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and there is no specific allegations as against the petitioners. Accordingly, he prayed to quash the impugned charge sheet.



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4.The learned Government Advocate(Crl.sdie) appearing for the first respondent submitted 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 and hence, he prayed for dismissal of the petition.

5.Heard the learned counsel on either side and perused the materials on record.

6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. 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).***

7.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 petitioners if they are subjected to due trial as sufficient opportunity would be given to



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the petitioners to put forth their defence. The petitioners cannot be let by quashing the charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against them.

8.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.16 of 2014 pending before the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

9.At this juncture, the learned counsel appearing for the petitioners prayed to dispense with the personal appearance of the petitioners before the Trial Court and further, this Court may issue a direction to the Court below to complete the trial within a time frame.

10.Considering the request made by the learned counsel appearing for the petitioners, the learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District is hereby directed to complete the trial in C.C.No.16 of 2014, within a period of three months from the date of receipt of a copy of this order and further, the personal



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appearance of the petitioners is dispensed with before the trial Court with the following conditions:-

i)The personal appearance of the petitioners is dispensed with except for their 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.

23.04.2024

Index: Yes/No
Internet: Yes/No
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To

- 1.The Sub-Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
- 2.The Judicial Magistrate No.1,
Kuzhithurai, Kanyakumari District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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