



Crl.O.P(MD).No.20500 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.20500 of 2021 and
Crl.M.P(MD).Nos.11676 and 11678 of 2021

- 1.Shakul Hameed @ Shahul Hameed
 - 2.Mariyam @ Mariyam Beevi @ Mariyam Yendru
 - 3.Hamilath @ Kathijal Jafar Ali @ Hamilath Yendra Ramlath
 - 4.Mammtha @ Mahuthun Beevi @ Mammutha Yendra Mahuthammal Beevi
 - 5.Nagoor @ Nagoor Beevi @ Nagoor Yendra Nagoor Beevi
 - 6.Laila @ Laila beevi @ Laila Yeundra Lailal Beevi
- ... Petitioners / accused

Vs.

1.State rep. by
The Inspector of Police,
Achanpudur Police Station,
Achanpudur,
Tenkasi District.
(Crime No.172 of 2017)

2.Fathima ... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records in connection with C.C.No.8 of 2019 on the file of the learned Judicial Magistrate, Shenkottai, Tenkasi District in connection with Crime No.172 of 2017 on the file of the Inspector of Police, Achanpudur Police Station, Tenkasi and quash the same.



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For Petitioners : Mr.S.Palani Velayutham
For Respondent No.1 : Mr. Vaikkam Karunanithi
Government Advocate (Crl.side)
For 2nd respondent : Mr.S.Ayyanar Premkumar

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.8 of 2019 on the file of the learned Judicial Magistrate, Shenkottai, Tenkasi District in connection with Crime No.172 of 2017 on the file of the Inspector of Police, Achanpudur Police Station, Tenkasi.

2. The case of the prosecution is that on 28.06.2017 at about 9' O Clock, the second respondent and her mother Sariba came to the residence of Shaul Hameed, who is the first petitioner herein. At that time, the sisters of Shaul Hameed by name Kmilath, Mammutha and Nagoor Mariyam came to the house of the 1st petitioner and picked up quarrel with the 2nd respondent. When the same was questioned by the 2nd respondent, the petitioners herein had pushed her down and beaten her with hands on the 2nd respondent and her mother and also threatened the 2nd respondent with dire consequences. Based on the complaint, a case has been registered in Crime No.172 of 2017 on the file of the first



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respondent and thereafter, charge sheeted in C.C.No.8 of 2019 on the file of the Judicial Magistrate, Shenkottai, Tenkasi District for the offences under Sections 147, 294(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. The learned counsel appearing for the petitioners would submit that there was a matrimonial dispute between the first accused and the defacto complainant. He would further submit that the victim and her mother are only the aggressors as per the prosecution case and further, as per 161(3) Statement of Medical Practitioners, the victim has not sustained any grievous injuries and prays for allowing this petition.

4. The learned Additional Public Prosecutor 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. The learned counsel appearing for the second respondent



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submitted that the petitioners herein have harassed the defacto complainant and her mother both mentally and cruelly and also demanded additional dowry from the 2nd respondent and hence, he prayed for dismissal of this petition.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. 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)***.

8. 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 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



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is the subject matter of criminal trial pending against them.

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9. For the reasons aforesaid, this Court finds no ground or scope to quash the C.C.No.8 of 2019 on the file of the learned Judicial Magistrate, Shenkottai, Tenkasi District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, the connected miscellaneous petitions are closed.

10. 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 also seek early disposal of the above said case.

11. Considering the request made by the learned counsel appearing for the petitioners, the personal 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



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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 petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

28.06.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To
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1. The learned Judicial Magistrate, Shenkottai, Tenkasi District
2. The Inspector of Police,
Achanpudur Police Station,
Achanpudur,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

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