



Crl.O.P(MD).No.19025 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM :

**THE HON'BLE MR JUSTICE A.A.NAKKIRAN**

Crl.O.P(MD).No.19025 of 2022 and  
Crl.M.P(MD).Nos. 12830 and 12832 of 2022

1.Mohamed Ismail Ashik @ Mohammed Ashik  
2.Mohamed Mohideen Abisheik ... Petitioners

Vs.

1.The State rep. by  
The Inspector of Police,  
AWPS Police Station,  
Oddanchatram,  
Dindigul District.  
(in Crime No.18 of 2014)

2.Januba Begum ... Respondents

**PRAYER:-** Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.183 of 2017, on the file of the Judicial Magistrate Court, Oddanchatram in Crime No. 18 of 2014, U/s.294(b), 323, 498(A), 506(i) IPC r/w. Section 4 of DP of Act, dated 05.11.2014 and quash the same as against the petitioners / accused.

For Petitioners : Mr.D. Balamurugapandi

For Respondent No.1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

For 2<sup>nd</sup> respondent : No appearance



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## **ORDER**

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The petitioners have filed this petition seeking quash of C.C.No.183 of 2017, on the file of the Judicial Magistrate Court, Oddanchatram.

2.The case of the prosecution is that the petitioners herein and other accused have demanded more dowry from the defacto complainant and also attacked her and caused injuries. Hence, the case has been registered in Crime No.18 of 2017 for the offences under Sections 294(b), 323, 498(A), 506(i) IPC r/w. Section 4 of Dowry Prohibition Act and thereafter, case has been charge sheeted in C.C.No. 183 of 2017 on the file of the Judicial Magistrate, Oddanchatram.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that due to the matrimonial dispute between A1 and the defacto complainant, the petitioners herein have been falsely implicated in this case. He would further submit that the first respondent without conducting proper investigation, filed the final report. Accordingly, he prayed to quash the impugned charge sheet.



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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. There is no representation for the 2<sup>nd</sup> respondent.

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 there 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



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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.183 of 2017 pending on the file of the Judicial Magistrate Court, Oddanchatram. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are 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.

10. Considering the request made by the learned counsel appearing for the petitioner, 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 Section 313 Cr.P.C. and on the day on which judgment is to be



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pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

**24.04.2024**

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

To

1. The Inspector of Police,  
AWPS Police Station,  
Oddanchatram,  
Dindigul District.
2. The Judicial Magistrate Court, Oddanchatram
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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