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Crl.O.P.(MD)No.20019 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM:

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

Crl.O.P.(MD) No.20019 of 2022 and
Crl.M.P.(MD) No.13834 of 2022

Kanagampujam

... Petitioner/1st Accused

Vs.

Vijaya

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records pertaining to the DVC.No.17 of 2022 on the file of learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District and quash the proceedings as against the petitioner herein.

For petitioner : Mr.Prabha S

For Respondent : Mr.P.Yasmin Begum

ORDER

This petition has been filed seeking to quash the proceedings in DVC.No.17 of 2022 on the file of learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District.



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2.The facts in brief: The respondent filed a complaint against the petitioner and others under the Domestic Violence Act. The petitioner is the mother-in-law of the respondent. The husband of the respondent is a drug addicted person, suppressing the same, the petitioner performed the marriage between her son and the respondent. After their marriage, the petitioner received 30 sovereigns of jewels and Rs.3,00,000/- cash from the respondent for purchasing a house at Chennai for her elder son. When the respondent asked to return her jewels and cash, the petitioner and others tried to kill the respondent. Thereafter, due to the harassment made by the petitioner and others, the husband of the respondent died on 02.07.2022. Hence, the complaint has been filed by the respondent, challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner would submit that there are no materials whatsoever available with the respondent to show that the petitioner received the jewels and cash belongs to the respondent. He would submit that the petitioner has nothing to do with the alleged offence and hence, prays for interference.

4. The learned counsel for the respondent/complainant, on the other hand, would submit that there are materials available to proceed



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with the case as against the petitioner herein. The domestic violence proceedings cannot be quashed and the charges against the petitioner has 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 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 them to put forth their defence. The petitioner cannot be let by quashing the charges framed against them 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 DVC.No.17 of 2022, pending on the file of the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.



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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 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.

12.03.2024

Index : Yes/No

Internet : Yes/No

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To

1.The learned District Munsif cum Judicial Magistrate,
Papanasam, Thanjavur District.

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



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M.DHANDAPANI. J.

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