



Crl.O.P.(MD)No.19611 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.19611 of 2022 and
Crl.M.P.(MD) Nos.13425 and 13426 of 2022

Ibrahim

... Petitioner/4th respondent

Vs.

1.Nargis Banu

2.Minor Thasmagani

...Respondents/Petitioners

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records pertaining to the DVC No.1 of 2022, pending on the file of the learned Judicial Magistrate, Aranthangi, Pudukottai District and quash the proceedings as against the Petitioner herein.

For petitioner : Mr.Saravana Kumar S

For R-1 : Mr.T.Lenin Kumar

ORDER

This petition has been filed seeking to quash the proceedings in DVC No.01 of 2022, pending on the file of the learned Judicial Magistrate, Aranthangi, Pudukottai District.



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2.The case of the petitioner is that the petitioner is a President of Jamath and the first respondent gave a complaint against the petitioner and others. The allegation made against the petitioner is that he threatened the first respondent to vacate the village as the capacity of Jamath's President. But actually, the petitioner has been falsely implicated in the family issue of the petitioner Nos.1 to 3 therein and the first respondent. The first respondent filed a case under the Domestic Violence Act in DVC No.1 of 2022 against the petitioner and others, who are husband and in-laws of the first respondent and for quashing the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that there are no materials whatsoever available with the respondent to show that the petitioner threatened the first respondent to vacate the village. 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 with the case as against the petitioner herein, since at the instigation of the second and third petitioner therein, the first petitioner/husband of the



complainant therein demanded additional dowry and harassed her and hence, at the threshold, 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.01 of 2022, pending on the file of the learned Judicial Magistrate, Aranthangi, Pudukkottai District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.



CrI.O.P.(MD)No.19611 of 2022

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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

Indu

To

- 1.The learned Judicial Magistrate,
Aranthangi, Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.19611 of 2022

M.DHANDAPANI. J.

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