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Crl.O.P.(MD)No.21524 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.21524 of 2022

and

CrlMP(MD)No.15154 of 2022

Nagarajan

... Petitioner / Sole Accused

Vs.

1.The State Rep by
The Inspector of Police,
Vadaseri Police Station,
Nagercoil,
Kanyakumari District.
(In Crime NO.63 of 2020)

... 1st Respondent/Complainant

2.Rajamani

... 2nd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned charge sheet in S.T.C.No.468 of 2021 pending on the file of the learned Judicial Magistrate No.II, Nagercoil and quash the same as illegal.

For Petitioner : Mr.L.George Paul Anto

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

For R2 : Mr.R.Murugan



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ORDER

This criminal original petition has been filed to quash the impugned charge sheet in S.T.C.No.468 of 2021 on the file of the learned Judicial Magistrate No.II, Nagercoil.

2.The case of the prosecution is that due to the previous enmity, on 06.03.2020, at about 09.10 a.m, when the defacto complainant was proceeding towards the school of his granddaughter in his two wheeler along with his granddaughter, the petitioner abused the defacto complainant in filthy language and attacked him with his hands. Further, he threatened him with dire consequences. Hence, the second respondent lodged a complaint, based on which, a case in Cr.No.63 of 2020 was registered for the offences under Sections 341, 294(b), 323 & 506(1) of IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in S.T.C.No.468 of 2021 by the learned Judicial Magistrate No.II, Nagercoil. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the defacto complainant was the Secretary of 'Saliar Samuthaya Munnetra Sangam'. Now, the



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petitioner herein is the Secretary of the said Sangam. There are two groups in the said Sangam. One group is belong to the petitioner and another group is belong to the defacto complainant. Hence, there is enmity between the petitioner and the defacto complainant. Due to said enmity, the defacto complainant has given such a false complaint against the petitioner and the first respondent without conducting proper investigation, filed the final report. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that there are 11 witnesses. Out of 11 witnesses, 9 witnesses have been examined and the case was posted to 14.05.2024 for examination of L.W.5 and L.W.6. He further submitted that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner 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 submitted that there is specific allegations against the petitioner. The allegation against the petitioner is that he abused the defacto



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complainant in filthy language and attacked him with his hands and legs and caused injuries. Further, he threatened him with dire consequences and hence, he prayed to dismiss the present petition.

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 petitioner if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner 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 him.

8.For the reasons aforesaid, this Court finds no ground or scope to quash S.T.C.No.468 of 2021 pending on the file of the learned Judicial Magistrate No.II, Nagercoil. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.



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9.The learned Judicial Magistrate No.II, Nagercoil is directed to complete the trial in S.T.C.No.468 of 2021 within a period of three months from the date of receipt of a copy of this order.

24.04.2024

NCC : Yes/No
Internet:Yes
Index:Yes/No
dss

To

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



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A.A.NAKKIRAN, J.,

dss

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