

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No. 13231 of 2015

and

M.P.Nos.1 and 2 of 2015

1.M.Arumugam

2.A.Boopathy

3.A.Raj

...Petitioners/ Accused

Vs

1.State by

The Sub Inspector of Police,
J-9, Thoraipakkam Police Station,
Thoraipakkam,
Chennai - 600 097.

(Crime No.592/2009)

...1st Respondent/ Complainant

2.Kanniammal

...2nd Respondent/
Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in C.C.No.533 of 2012 on the file of the Learned Judicial Magistrate, Alandur and quash the same.

For Petitioners :Mr.M.Saravanakumar

For R1

:Mr.C.Emalias

Additional Public Prosecutor

For R2

: M/s.Veeramani

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.533 of 2012 on the file of the Learned Judicial Magistrate, Alandur.

2.Heard Mr.M.Saravanakumar, the learned counsel for the petitioners and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the first respondent.

3.The learned counsel for the petitioner submitted that initially, the defacto complainant had given a complaint stating that she was assaulted by the accused with iron rods and that she got seriously injured. Later, the respondent Police have recorded

the statement under Section 161 Cr.P.C. on 30.06.2009, wherein, the defacto complainant has stated that she was only assaulted by hand and that she had erroneously stated earlier in her complaint that she was assaulted with iron rods. Based on this statement, the prosecution cannot be quashed. The evidence has to be tested only in the regular trial.

4. Under such circumstances, since this case is of the year 2012, the Trial Court is directed to take up the case on priority and complete the same within a period of two months from the date of receipt of a copy of this order. The defacto complainant shall also co-operate by appearing before Magistrate to give evidence, failing which the learned Magistrate will take coercive steps for securing the defacto complainant.

4. With the above observation, this Criminal Original Petition is closed.

Sd/-
Asst. Registrar (CS IV)

/true copy/

Sub Asst. Registrar

dn

To

1. The Judicial Magistrate
Alandur

2. The Sub Inspector of Police,
J9, Thoraipakkam Police Station,
Thoraipakkam,
Chennai - 600 097

3. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.M.Saravanakumar, Advocate, sR. 31063

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