

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26621 of 2015
and M.P.Nos.1 and 2 of 2015

1.P.Dhinesh
2.P.Karthick

.... Petitioners/Accused 3 & 4

Vs

1. State represented by
The Inspector of Police,
District Crime Branch,
Namakkal.

2. P.Venkatasubramani Respondents/Defacto
Complainant.

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the entire records relating to C.C.No.207 of
2006 on the file of the learned Judicial Magistrate, Paramathi,
Namakkal District and quash the same.

For Petitioner : Mr.R.U.Deepan

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor,
for R.1

ORDER

The present criminal original petition has been filed
by the petitioners to call for the entire records relating to
C.C.No.207 of 2006 on the file of the learned Judicial
Magistrate, Paramathi and quash the same.

2. The second respondent P.Venkatasubramani is the
Regional Manager of National Insurance Company Limited. He had
lodged a complaint as against the petitioners herein and others
in Crime No.7 of 2005 on the file of the first respondent
police. In the said complaint, the petitioners have been
arrayed as A.2 and A.3. The case of the prosecution is that on
4.12.1996, A.1-V.Palaniyappan met with an accident, while
driving his TVS 50. At the time of accident, the father of these
petitioners viz., K.Palaniyappan was travelling as pillion rider

in the said TVS 50. In the said accident, the father of the petitioners had died and A.1-V.Palaniyappan got grievous injuries. But, with an intention to get compensation amount from the second respondent insurance company, A.1-V.Palaniyappan lodged a complaint before the respondent police belatedly by falsely mentioning a lorry bearing registration No.TAN 4513 stating that the said lorry had caused the accident. Likewise, A-4 Nirmala, the mother of these petitioners also preferred a complaint on the same day. Since the second respondent came to know that the said complaints have been lodged by falsely implicating the lorry bearing registration No.TAN 4513, he had lodged a complaint as against A.1 to A.4. In the said complaint, on completion of investigation, charge sheet has been filed and the same was assigned case number as C.C.No.207 of 2006 and the same is pending on the file of the learned Judicial Magistrate, Paramathi. Now, the petitioners herein have filed the present petition to quash the said proceedings.

3. It is the contention of the learned counsel appearing for the petitioners that the alleged occurrence took place on 4.12.1996 and in the year 1996, both the petitioners were minors and they were below 12 years. Under such circumstances, these petitioners cannot have any participation in lodging the FIR by falsely mentioning the lorry number. But, in spite of the same, the second respondent had lodged a complaint as against these petitioners also and after completion of investigation, now case number has been assigned as C.C.No.207 of 2006 arraying these petitioners as A.2 and A.3. Thus, they sought for quashing the said proceedings.

4. I have heard the learned Additional Public Prosecutor.

5. Keeping the submissions made on either side, I have carefully gone through the materials available on record and I am of the view that the grounds raised by the learned counsel appearing for the petitioners may be a defence, which have to be agitated only during the course of trial and the submissions made by the learned counsel appearing for the petitioners will not certainly serve as a ground to quash the said proceedings in C.C.No.207 of 2006 under Section 482 Cr.P.C. Hence, I do not find any valid ground warranting this Court to quash the said proceedings.

6. In fine, the criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

sbi

-s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

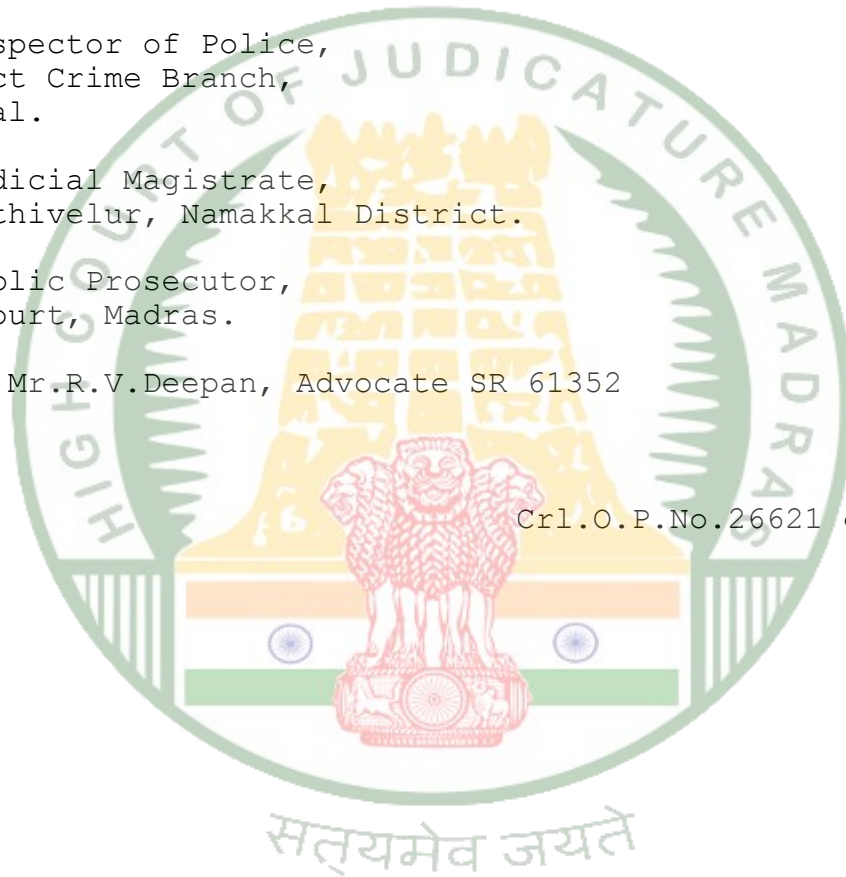
To

1. The Inspector of Police,
District Crime Branch,
Namakkal.
2. The Judicial Magistrate,
Paramathivelur, Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R.V.Deepan, Advocate SR 61352

sr(co)
prk17/12

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