

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.29007 of 2015

And

M.P.Nos.1 and 2 of 2015

1.Siraj Faran

2.Smt.Tahira AkbarPetitioners/Accused

Vs.

The State rep by its,
Sub Inspector of Police,

K4 - Anna Nagar Police Station,
Chennai - 600 040.

Crime No.250/2015 Respondent/Complainant

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the proceedings in C.C.No.718 of 2015 pending on the file of V Metropolitan Magistrate Court at Egmore, Chennai.

For Petitioners: Mr.PG.Thiyagu

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed for a direction to call for the records and quash the proceedings in C.C.No.718 of 2015 pending on the file of the learned V Metropolitan Magistrate Court at Egmore, Chennai.

2.The case of the prosecution is that the defacto complainant is the daughter in law of the second petitioner who is the resident of the first floor at No.AK Flat No.22, 11th Main Road, Anna Nagar, Chennai 600 040 and on 05.02.2015 at about 22 hours while the defacto complainant and her daughter Sajiya Fathima were in their portion, the first petitioner along with the second petitioner came to the first floor and knocked the door and started threatening them using filthy language. When the defacto complainant came out of the house, they attacked the defacto complainant with hands and kicked her with legs and

caused simple injuries on her left hand finger. They also attacked one Sayan who came to release the defacto complainant from the petitioners. Hence, a complainant was lodged as against these petitioners and on completion of investigation charge sheet was laid for the offence punishable under Sections 341, 294(b), 323 and 506(ii) of IPC and the same was filed before the V Metropolitan Magistrate, Egmore, Chennai and the same was taken on file in C.C.No.718 of 2015 and the present petition has been filed to quash the complaint in C.C.No.718 of 2015.

3.The learned counsel appearing for the petitioners submitted that it could be seen from the complaint that the occurrence had happened at 06.20 p.m., in the evening and the complaint has been presented only at 12.00 p.m., in the midnight stating that the incident had occurred at 11.00 p.m., but no reason was assigned for such discrepancy and prayed for quashment of the complaint in C.C.No.718 of 2015.

4.Heard the learned Additional Public Prosecutor.

5.In the considered view of this Court, the submission made by the learned counsel appearing for the petitioners will not serve as a ground for quashment of the complaint. Only when the allegations made in the complaint does constitute an offence for which the petitioners have been charge sheeted the question of quashing the complaint will arise the submission of the learned counsel appearing for the petitioners may be his defence and he has to put his defence during the course of trial. Hence, no valid ground is made out to entertain this petition and this Court is not inclined to admit this petition. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are also closed

Sd/-सत्यमेव जयते
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The V Metropolitan Magistrate Judge,
Egmore, Chennai.

2.The Sub Inspector of Police,
K4 - Anna Nagar Police Station,
Chennai - 600 040.
Crime No.250/2015

3.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.P.G.Thiyagu, Advocate, sr.66385

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