

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2015

CORAM:

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.No.5157 of 2015

1.Royal Gandhi
2.Prabhu @ Ramachandra Prabhu
3.Shankar
4.Indira Gandhi
5.Sasikala ... Petitioners/Accused

Vs.

State of Tamil Nadu,
rep. by Inspector of Police,
Manalmedu Police Station,
Nagapatinam. ... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C. No.77/2014 pending trial before Judicial Magistrate No.I, Mayiladuthurai and to quash the same.

For Petitioners: Mr.S.Benazir

For Respondent: Mr.M.Maharaja
Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor.

2.It is submitted by the learned counsel for the petitioners that a civil transaction has been converted into criminal transaction and on the basis of the complaint given by the defacto complainant, a case has been registered under Sections 147, 148 and 448 of IPC read with Section 36(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and no such occurrence had been taken place and a false complaint has been foisted.

3.It is seen that from the statement of witnesses that the accused, who are the first wife, son of the husband of the defacto complainant came to the house of the defacto complainant and damaged the household articles and therefore a case has been registered. Whether the witnesses have given false statement or whether the occurrence had taken place, can be considered only at the stage of trial and at this stage this Court cannot go into the details of the same.

4. Accordingly, this petition is dismissed.

Sd/-
Assistant Registrar
Dated:12.3.15

True Copy

Sub Assistant Registrar

To

1. The Inspector of Police,
Manalmedu Police Station,
Nagapatinam.

2. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.S.benazir, Counsel for the petitioner, SR.12463.

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