



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

CrI.O.P.(MD)No.18254 of 2014

and

M.P.(MD)Nos.1 and 2 of 2014

1.Noordeen
2.Samsudeen
3.Shahul @ Mohamed Dawood
4.Sulaiman @ Mohamed Sulaiman
5.Yasin @ Mohamed Yasin
6.Sevu
7.Noor @ Noorjahan
8.Ansari @ Thameem Ansari
9.Banu @ Fathima Banu
10.Anwar @ Anwar deen ... Petitioners/
Accused No.1 to 10

Vs.

1.State rep. Through the
Sub Inspector of Police
Sayalkudi Police Station,
Ramanathapuram District.
Crime NO.185/2012 .. 1ST Respondent/Complainant
2.Sarinabeevi .. 2ND Respondent/ de-facto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the proceedings in S.T.C.No.470 of 2014 dated 18.08.2014 on the file of the Judicial Magistrate, Muthukulathur, Ramanathapuram District and quash the same.

For Petitioners : Mr.D.S.Haroon Rasheed
For Respondents : Mrs.S.Prabha for R1
Govt. Advocate (CrI.side)
No appearance for R2

O R D E R

This Criminal Original Petition is filed to quash the proceedings in S.T.C.No.470 of 2014 dated 18.08.2014 on the file of the Judicial Magistrate, Muthukulathur, Ramanathapuram District.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate (CrI.Side) appearing for the respondent State.



3. The petitioners are arrayed as Accused for the offences punishable under Sections 147, 323, 506(i) IPC in Crime No.185 of 2012.

4. The petitioners and the de-facto complainant are neighbours. The allegation is to the effect that the petitioners attacked the de-facto complainant, when their attempt to take sand was objected. The further allegation is that the averments made by the de-facto complainant also proceeds to state that appropriate protection will have to be given, as there is likelihood of threat.

5. The learned counsel for the petitioner submitted that though the complaint given by the petitioners has been registered, no simultaneous investigation has been done. The complaint given by the petitioners in Crime No.184 of 2012 has not been disposed of by filing a final report. He has also submitted that there is no date and time as regards the alleged occurrence in the complaint and it is very vague.

6. Despite notice having been served, none appears for the respondent No.2. A perusal of the complaint would go to show that neither the date nor the time has been given. It is absolutely vague. The complaint has been given mere in the nature of protection sought for, than to seek for the alleged offence. There is no reason as to why the counter complaint has not been proceeded with. Considering the same, this Court is inclined to quash the proceedings.

7. Accordingly, the criminal original petition is allowed and the case in S.T.C.No.470 of 2014 has been quashed against the petitioners herein. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

RR

To

1.The Judicial Magistrate, Muthukulathur, Ramanathapuram District

2.The Sub Inspector of Police

Sayalkudi Police Station, Ramanathapuram District.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1cc to MR.D.S.HAROON RASHEED, ADVOCATE IN SR NO.30066

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and

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