



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cr1.O.P.(MD)No.21147 of 2015

and

M.P.(MD)Nos.1&2 of 2015

Ramar

... Petitioner/2nd Accused

-Vs-

1.The State rep. By

The Inspector of Police,
Thenkkarai Police Station,
(In Crime No.208/2013)

... 1st Respondent/Complainant

2.Saranya

... 2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.231 of 2013, on the file of the learned Judicial Magistrate Court, Periyakulam and quash the same with regard to the petitioner.

For Petitioner : Mr.Y.Krishnan

For Respondent-1: Ms.S.Prabha

Govt.Advocate

O R D E R

This petitioner has come forward with this application, seeking to quash the proceedings in C.C.No.231 of 2013, on the file of the learned Judicial Magistrate, Periyakulam.

2. I have heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the petitioner is that he is the father-in-law of the 2nd respondent and that the allegations made against him are not established, as ingredients of Sections 294(b), 354 and 506(i) of IPC. It is further stated that he has not involved any of the incidents said to have taken place, for which charges have been framed against him, for the aforesaid offences. It has also been stated that the First Information Report is only a piece of evidence and not a final one.

4. In view of the Judgment of the Hon'ble Supreme Court in HMIT Watches Ltd., Vs. M.A.Abida & Another reported in (2015(2) CTC 446) wherein, it has been held that quashing of criminal complaint on disputed question of facts cannot be entertained and it is a matter for trial to proceed with the criminal complaints, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS II)

/True copy/



To

1. The Inspector of Police,
Thenkkarai Police Station,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.Y.Krishnan, Advocate SR.No.64738

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Cr1.O.P. (MD) No.21147 of 2015
04.11.2015