



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2015

CORAM

THE HON'BLE MR. JUSTICE M.M. SUNDRESH

CRL.O.P. (MD) No.6735 of 2015

and

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

Raguraman @ Ragu

.. Petitioner/Sole Accused

.. Vs ..

1. The State represented by

The Inspector of Police,

Thilagar Thidal Police Station(L&O),

Madurai City, Madurai District.

(In Crime No.973 of 2014) .. 1st Respondent/

Complainant

2. N.Saravanan

.. 2nd Respondent/

defacto complainant

PRAYER: Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records relating to the charge sheet in C.C.No.60 of 2015, on the file of the Judicial Magistrate Court NO.II, Madurai and quash the same as illegal.

For Petitioner : Mr.R.Chandra Sekar

For Respondents : Mr.K.Anbarasan

Government Advocate(Crl.side)

for R.1

O R D E R

The petitioner, who is arrayed as accused seeks to quash the proceedings in C.C.No.60 of 2015, on the file of the Judicial Magistrate Court NO.II, Madurai.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

3. The petitioner has been arrayed as accused in the crime, which has been taken on file in C.C.No.65 of 2015 for the alleged offences under Sections 324 and 506(i) I.P.C.

<https://hcservices.courts.gov.in/hcservices/>
4. The learned Counsel for the petitioner submitted that earlier, a complaint has been given against the defacto



complainant by the petitioner's father and therefore, out of personal motive, it has been done. He also submitted that the alleged offence has not been made out against the petitioner.

5. A perusal of the charge sheet would show that a specific allegation is made against the petitioner. The question, as to whether the alleged offence is made out by the petitioner or not, will have to be proved by the prosecution. Merely because the petitioner's father gave a complaint, there can not be a presumption that the present complaint has been given with motive.

6. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected M.P.(MD) Nos.1 & 2 of 2015 are also closed. However, all the issues are left open to be raised before the Court below. Considering the submission made, personal appearance of the petitioner before the Court below is dispensed with until and unless the same is required. Learned Judicial Magistrate No.II, Madurai is directed to dispose of C.C.No.60 of 2015 within a period of one year from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II,
Madurai.
2. The Inspector of Police,
Thilagar Thidal Police Station(L&O),
Madurai City,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.R.Chandrasekar, Advocate, SR.No.24457

ssl

RL/5 c- 19/5/2015

CRL.O.P.(MD) No.6735 of 2015
and M.P.(MD) Nos.1 & 2 of 2015