

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.6553 of 2014
and
M.P.Nos.1 & 2 of 2014

1.P.M.Venkatachalapathy

2.Senthilkumar

2.Murugesh Petitioners / Accused 1 to 3

Vs

1.State : Represented by
The Deputy Superintendent of Police (Hosur Division),
Hosur Town Police Station,
Crime No.23 of 2013,
Krishnagiri District.

2.Varalakshmi,
W/o.G.Venkatesh,
No.2/27, O.Karapatti Village,
Onnalavadi Post, Hosur Taluk & District.
... Respondents / Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the charge-sheet in P.R.C.No.2 of 2014 on the file of the learned Judicial Magistrate-II, Hosur (in Crime No.23 of 2013 on the file of the 1st respondent-Police).

For Petitioners : Mr.R.John Sathyan

For respondents : Mr.C.Emalias,
Additional Public Prosecutor,
(For R1)
Mr.J.Umachandran (For R2)

O R D E R

This Criminal Original Petition has been filed by the petitioners praying to quash the charge-sheet in P.R.C.No.2 of 2014 on the file of the learned Judicial Magistrate-II, Hosur (in Crime No.23 of 2013 on the file of the 1st respondent-Police). The

petitioners have been arrayed as accused 1 to 3 respectively in the said case.

2.The charge-sheet in P.R.C.No.2 of 2014 on the file of the learned Judicial Magistrate-II, Hosur has been lodged by the 1st respondent-Police against the petitioners/accused, for the alleged offences punishable under Sections 323 IPC r/w Section 3(i)(x)(xi) of SC/St Act 1989.

3.Though very many contentions have been raised by the petitioners/accused for quashing the First Information Report, at the time of argument, the learned counsel for the petitioners/accused has limited his contentions only to the following grounds_

The learned Judicial Magistrate-II, Hosur has directed the Inspector of Police, Hosur Police Station, to register a case and investigate the matter and to file a final report. The learned counsel for the petitioners/accused, by inviting the attention of this Court to the Official Memorandum, dated 27.12.2012, sent by the learned Judicial Magistrate-II, Hosur, submitted that the complaint filed by the 2nd respondent/defacto-complainant was forwarded to the Inspector of Police, Hosur Police Station, under Section 156 (3) of Cr.P.C. According to the learned counsel for the petitioners, since the alleged offences are triable exclusively only by the Court of Sessions, the learned Magistrate ought not have forwarded the complaint under Section 156(3) of Cr.P.C. In this regard, the learned counsel for the petitioner has also invited the attention of this Court to Section 202(2) of Cr.P.C., and submitted that the learned Magistrate cannot give a direction for investigation, if it appears that the alleged offences are triable exclusively by the Court of Sessions.

4.But, from a careful reading of Section 202(2) of Cr.P.C., I find that the said provision speaks only about taking of cognizance of the offence by the learned Magistrate. Therefore, the said provision cannot be a bar for the learned Magistrate to forward the complaint under Section 156(3) of Cr.P.C, for investigation. Under such circumstances, absolutely I do not find any merit in the submission made by the learned counsel for the petitioner. Hence, the criminal original petition is liable to be dismissed.

Accordingly, the criminal original petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

SSV

To,

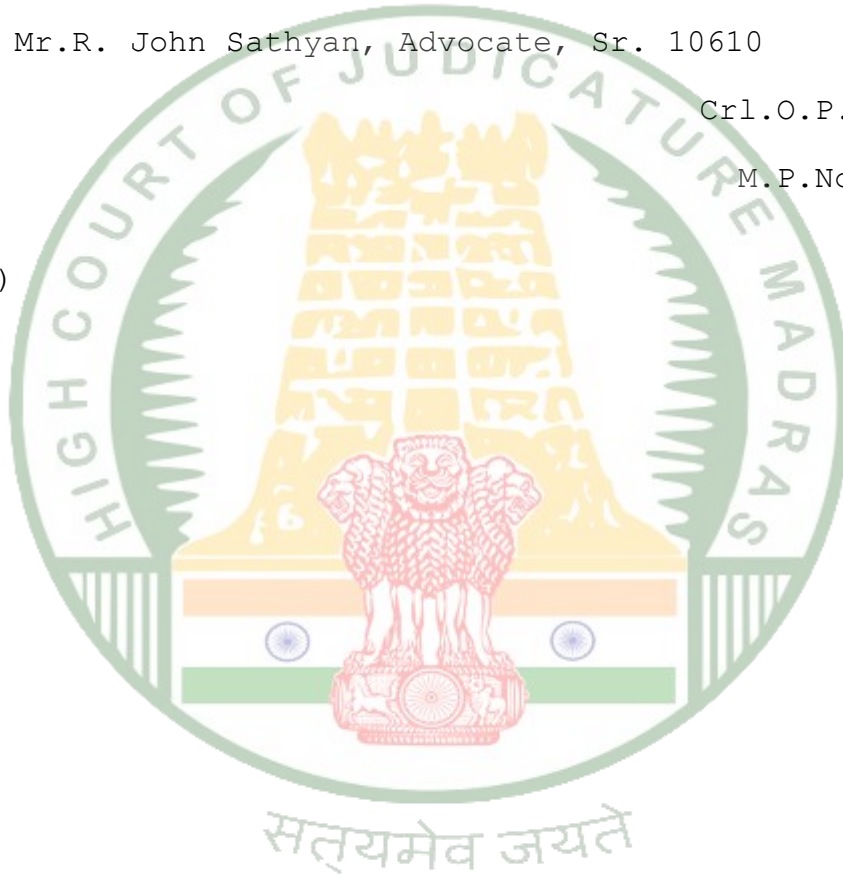
1.The Judicial Magistrate-II, Hosur.

2.The Deputy Superintendent of Police
(Hosur Division),
Hosur Town Police Station,
Crime No.23 of 2013,
Krishnagiri District.

1 cc to Mr.R. John Sathyan, Advocate, Sr. 10610

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CNR C(O)
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