

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.18560 of 2016
and CRL.MP.No.8717 of 2016

1.K.Sakunthala
2.K.Dhamodhara Selvam
3.K.Shanthi
4.K.Selvarani
5.K.Shanmuga Sundaram
6.K.Padmavathi
7.K.Purushothaman Petitioners

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
[Law and Order],
B-2, Vishnu Kanchi Police Station,
Kanchipuram District,
Kanchipuram. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.166 of 2005 on the file of the Judicial Magistrate No.I, Kancheepuram and quash the same.

For Petitioners : Mr.V.Bhiman
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to quash the proceedings in C.C.No.166 of 2005 on the file of the Judicial Magistrate No.I, Kancheepuram.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. On a reading of the final report, it is seen that on 30.01.2003 around 9.00 p.m., the petitioners herein formed an unlawful assembly and had abused the officials of Panamudeeswarar Temple, Kancheepuram and had removed the fencing in the Temple land and also stolen away the board of the Temple, for which, a case in Crime No.23 of 2003 was registered and after completing the investigation, a final report has been filed in C.C.No.166 of 2005 for offences under

Section 147, 447, 427, 379, 294[b] IPC before the learned Judicial Magistrate-I, Kancheepuram, challenging which, the petitioners are before this Court.

4. Mr.Bhiman, learned counsel appearing for the petitioners submitted that the petitioners had obtained an order of injunction in the year 2002 as against the Temple and therefore, the entire prosecution is an abuse of process of law.

5. In the considered opinion of this Court, the allegations against these petitioners is that, they had abused the Temple officials and had taken away the board of the Temple, for which, offences under Section 294[b] and 379 IPC has been included in the final report. Under such circumstances, this is not a fit case to quash the prosecution as there are sufficient materials for the trial to proceed. However, it is seen that the charge sheet has been filed in the year 2005 and since almost 11 years, no progress has occurred. Therefore, the trial Court is directed to complete the trial in C.C.No.166 of 2005 within a period of six months from the date of receipt of a copy of this order, provided the petitioners co-operate with the trial by cross-examining the prosecution witnesses on the day, they are examined in-chief as directed by the Hon'ble Supreme Court in Vinodh Kumar Vs State of Punjab 2015[1] MCJ [Crl] 288. The Trial Court is directed to decide the case on merits, without being influenced whatever observation made herein.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

To

1.The Judicial Magistrate No.I, Kancheepuram.

2.The Inspector of Police,
[Law and Order],
B-2, Vishnu Kanchi Police Station,
Kanchipuram District,
Kanchipuram.

3.The Public Prosecutor,High Court, Madras.

+1 cc to Mr.V.Bhiman,advocate,sr.47472

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