

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE JUSTICE P.N.PRAKASH

CrI.OP.No.24012 of 2016
and CrI.MP.Nos.11424 & 11425 of 2016

1.Gnanasekaran
2.Thiyagarajan
3.Nirmal Kumar
4.M.Kotteeswaran

.. Petitioners

Vs

1.The Inspector of Police,
Arcot Town Police Station
Vellore District.

2.Suganraj

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to call for the records pertaining to C.C.No.64/2016 on the file of the learned District Munsif cum Judicial Magistrate, Arcot and quash the same.

For Petitioners : Mr.B.Sundara Pandian

For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.64/2016 on the file of the learned District Munsif cum Judicial Magistrate, Arcot.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

3. On a complaint lodged by Suganraj, the respondent police registered a case in Crime No.227 of 2013, and after completing the investigation, have filed a final report in C.C.No.64 of 2016 before the learned District Munsif cum Judicial Magistrate, Arcot, for the offences under Section 294 (b), 323, 324, 506(ii) IPC against four accused, challenging which, the accused are before this Court.

4. The allegation in the charge sheet is that the de facto complainant and his mother had given loan to Thiyagarajan (A2), the son of Gnanasekaran (A1) and when they

went to the house of the accused and demanded for repayment, it is stated that the accused had abused the de facto complainant and one of the accused had assaulted the de facto complainant.

5. Mr.B.Sundara Pandian, the learned counsel appearing for the petitioners/accused submitted that Gnanasekaran (A1) was employed in post office and that on 11.06.2013 at around 6.30 p.m., he was in his office and was not in the place of occurrence. Therefore, he has been falsely implicated in the case. The learned counsel further submitted that on account of this charge sheet, Gnanasekaran has been placed under suspension and he has not been permitted to retire.

6. In the considered opinion of this Court, though there is much force in the submission of Mr.Sundara Pandian, the learned counsel, yet this Court cannot go into the question of alibi in the proceedings under Section 482 Cr.P.C., Therefore, this petition is disposed of with a direction to the District Munsif cum Judicial Magistrate, Arcot to expeditiously complete the trial within a period of four months from the date of receipt of a copy of this order, provided the petitioners co-operate with the trial by engaging a counsel and cross-examining the prosecution witnesses. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ds
To:

1.The District Munsif cum Judicial Magistrate,
Arcot.

2.The Inspector of Police,
Arcot Town Police Station
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A. Rajesh Kanna, Advocate Sr.62925

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SS(CO)
EU 02/12/16