

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4908 of 2016
and
Crl.M.P.Nos.2580 & 2581 of 2016

1.V.Denial Poornam
2.A.Ebinesar
3.S.Selvin Babu .. Petitioners

Vs.

1.State rep. by
The Inspector of Police,
Town East Police Station,
Pollachi,
Coimbatore District.
(FIR No.373/2014)

2.Denial Rajkumar .. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in STC.No.3447 of 2014 pending on the file of the Judicial Magistrate Court-I, Pollachi, Coimbatore District and quash the same.

For Petitioners :Mr.C.Veeraraghavan

For Respondent-1 :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

This petition is filed for quashing the proceedings in S.T.C.No.3447 of 2014 pending on the file of the Judicial Magistrate Court-I, Pollachi, Coimbatore District.

2.Learned counsel for the petitioner submits that the petitioners have been arrayed as accused in S.T.C.No.3447 of 2014 on the file of the learned Judicial Magistrate No.I, Pollachi. On the basis of the complaint given by the second respondent herein, a charge sheet has been laid against the petitioners for the offences under Sections 294(b), 323 and 506 (i) IPC. He further submits that the petitioners are nothing to

do with the alleged offence and it is a case and counter. Hence, the petitioners have come forward with this petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that the allegations made in the complaint and Section 161 Cr.P.C. statement of the defacto complainant discloses that the ingredients of the offences under Sections 294(b), 323 and 506 (i) IPC have been prima facie made out. Hence, he prayed for dismissal of this petition.

4.Heard both sides.

5.On perusal of the typed set of papers, it reveals that there was a dispute between two groups in respect of administration of the Church and it is a case and counter. On the basis of the complaint given by the first petitioner herein, F.I.R. has been registered and after due investigation, charge sheet has been laid and it was taken as S.T.C.No.3446 of 2014. Likewise, on the basis of the complaint given by the second respondent herein, charge sheet has been laid against the petitioners for the offences under Sections 294(b), 323 and 506 (i) IPC and the case has been taken on file as S.T.C.No.3447 of 2014.

6.Considering the aforestated circumstances of the case, whether the ingredients of offences under Sections 294(b), 323 and 506(i) IPC have been made out against the petitioners, has to be decided only at the time of trial after letting oral and documentary evidence and it is a question of fact. Since it is a case and counter, the trial Court alone is competent to decide that who is aggressor. Under such circumstances, I do not find any reason to quash the proceedings in S.T.C.No.3447 of 2014. Therefore, the Criminal Original Petition deserves to be dismissed and it is hereby dismissed. However, a direction is issued to the learned Judicial Magistrate No.I, Pollachi, Coimbatore District, to dispose of S.T.C.No.3447 of 2014 within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Pollachi, Coimbatore.

2.-Do- Thro The Chief Judicial Magistrate,
Pollachi, Coimbatore.

3.The Inspector of Police,
Town East Police Station,
Pollachi,
Coimbatore District.

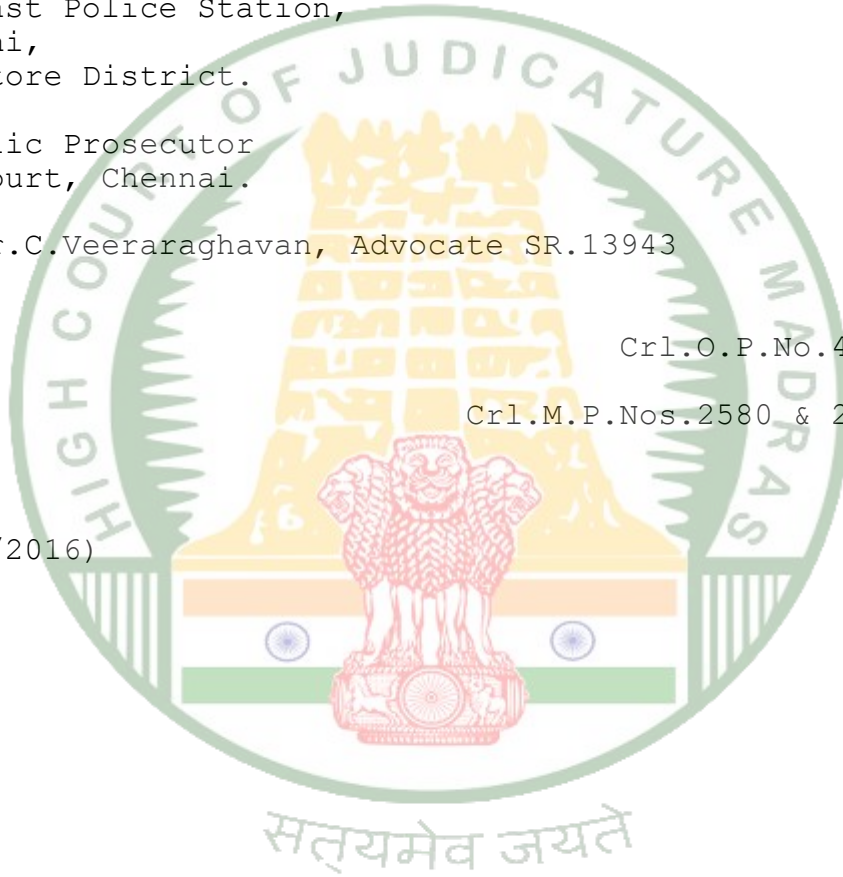
4.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.C.Veeraraghavan, Advocate SR.13943

Crl.O.P.No.4908 of 2016
and

Crl.M.P.Nos.2580 & 2581 of 2016

ev(CO)
srg(17/03/2016)



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