

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.Nos.7143 to 7145 of 2017
and
Crl.M.P.Nos.5183 to 5185 of 2017

1.Velappan
2.Veeramani
3.Mannar
4.Anthony
5.Pandi
6.Subramani

..Petitioners in
Crl.O.P.No.7143 of 2017

1.Kesavan
2.Boonai @ Manimuthu
3.Samy @ Mari
4.Ponnambalam @ Marimuthu
5.Ponthurundai @ Anthony
6.Kanchimadam @ Arumugam

..Petitioners in
Crl.O.P.No.7144 of 2017

1.Gurusamy
2.Murugesan
3.Marimuthu
4.Pandi
5.Gopi
6.Kumar

..Petitioners in
Crl.O.P.No.7145 of 2017

Vs.

State by,
Inspector of Police,
Avinachi Palayam Police Station,
Tiruppur.

..Respondent in
Crl.O.P.No.7143 of 2017

State by,
Inspector of Police,
Perumanallur Police Station,
Tiruppur.

..Respondent in
Crl.O.P.No.7144 of 2017

State by,
Inspector of Police,
South Police Station,
Tiruppur.
Crime No.1800/2012

..Respondent in
Crl.O.P.No.7145 of 2017

Prayer in Crl.O.P.Nos.7143 & 7144 of 2017: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for records pending enquiry respectively in Crime Nos.443 of 2012, 672 of 2012 on the file of the respondent police and quash the same as against the petitioners.

Prayer in Crl.O.P.No. 7145 of 2017 : Criminal Original Petitions filed under Section 482 Cr.P.C. to call for records of the case pending trial in PRC.NO.25 of 2013 on the file of the Learned Judicial Magistrate Court II, Tiruppur and quash the same as against the petitioners.

For Petitioners : Mr.J.Kingsly Solomon
in all Ops.
For Respondent : Mr.C.Iyyapparaj,
in all Ops. Additional Public Prosecutor

C O M M O N O R D E R

The prayer sought for in Crl.O.P.Nos.7143 and 7144 of 2017 is to call for records pending enquiry in Crime Nos.443 of 2012, 672 of 2012 on the file of the respondent police and quash the same as against the petitioners.

2. The prayer sought for in Crl.O.P.No.7145 of 2017 is to call for records of the case pending trial in PRC.NO.25 of 2013 on the file of the Learned Judicial Magistrate Court II, Tiruppur and quash the same as against the petitioners.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

4. The grounds raised by the learned counsel for the petitioners are that they have given a complaint on 29.08.2012 to the District Human Rights Commission complaining against the Police Officials, pursuant to which the cases have been foisted against them. According to the learned counsel for the petitioners there is no evidence against these petitioners and that all these complaints have been falsely made as against by them.

5. I am unable to comprehend as to how this Court shall exercise the powers under Section 482 Cr.P.C. to go into these factual aspects. If at all the petitioners are of the view, that false cases have been registered, it is open to them to illustrate during the course of trial. The petitioners have raised various other grounds touching upon the facts of the cases.

6. Since two cases are pending and in one case, charge sheet also has been filed any finding given by this Court on these factual aspects will have a bearing on the investigation and the trial.

7. In the result the Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

nmm
To

- 1.The Judicial Magistrate Court II,
Tiruppur.
- 2.-do-thro-The Chief Judicial Magistrate,
Tiruppur.
- 3.The Inspector of Police,
Avinachi Palayam Police Station,
Tiruppur.
- 4.The Inspector of Police,
Perumanallur Police Station,
Tiruppur.
- 5.The Inspector of Police,
South Police Station,
Tiruppur.
- 6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Kingsly Solomon, Advocate SR.No.86594

CrI.O.P.Nos.7143 to 7145 of 2017
and
CrI.M.P.Nos.5183 to 5185 of 2017

RSY(CO)
GN(19/01/2018)