

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.12.2017
CORAM
THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.No.21737 of 2017
and
Crl.M.P.Nos.12785 & 12786 of 2017

Merumiller

.. Petitioner

Vs.

Dr.J.John Kennedy

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to call for the records in C.C.No.1018/17 pending trial on the file of the District Munsiff-cum-Judicial Magistrate, Denganikotta and quash the same.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondent :

O R D E R

The criminal original petition has been filed seeking to quash the proceedings in C.C.No.1018/17 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Denganikotta.

2 On perusal of the impugned complaint, it is seen that the main grievance of the complainant is as against the 1st accused. The role of the 1st accused, as alleged in the complaint, is that on the date of incident i.e., on 19.07.2015, when the complainant had gone to meet his wife/1st accused and the daughter, his wife who was working as Senior Vice Principal at RICE-MMS, Madhagondapalli Village, had shouted at the complainant in high pitch, scolded and belittled him using indecent language. The overt act attributed to the petitioner herein, who has been arrayed as 2nd accused, is that he had instigated and abetted the 1st accused for the incident.

3 In connection with the occurrence that had happened on 19.07.2015, a complaint came to be lodged before the Thali Police Station on 20.10.2015 i.e. after the lapse of three months. F.I.R. was registered on 31.12.2015. In the impugned complaint, two persons were cited as witnesses, namely, Arogyaraj and Francic. At the time of taking cognizance of the offences, both of these witnesses were not examined. Apart from these two witnesses, two other persons, namely, Arul Rosario and

George, were examined as witnesses.

4 On perusal of their statements, it is seen that there is no single averment implicating the petitioner herein / 2nd accused for the offences alleged. In the absence of any specific averments as against the petitioner herein to constitute criminal offence, it would not be appropriate to make the petitioner herein to undergo ordeal of trial. It is further seen that there is considerable amount of delay on the part of the complainant, while preferring the police complaint.

5 In this background, I am of the view that the proceedings needs to be quashed as against the petitioner herein is concerned, since the main grievance of the complainant seems to be as against his wife who was arrayed as 1st accused.

6 In the result, the criminal original petition stands allowed. The proceedings in C.C.No.1018 of 2017, on the file of the learned District Munsif-cum-Judicial Magistrate, Danganikotta, is quashed in so far as the petitioner/2nd accused is concerned. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsiff-cum-Judicial Magistrate,
Danganikotta.
2. The Additional Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.C.Paul Kanagaraj Advocate sr 89892

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