

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2017

CORAM

THE HONOURABLE MR. JUSTICE N.AUTHINATHAN

Cr1.O.P. No.23215 of 2010
& M.P.No.1 of 2010

1.Anban
2.Murugan
3.Kumar
4.Veeramani
5.Santha
6.Vijaya
7.Salammal
8.Sampath
9.Vadivel
10.Chandra
11.Vellaiyan @ Subramani
12.Sathya

Petitioners

versus

The State rep. by the
Sub Inspector of Police,
Kadatthur Police Station,
Pappireddipatti Taluk,
Dharmapuri District.

Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in respect of the entire proceedings in connection with C.C.No.193 of 2009 on the file of the learned Judicial Magistrate, Pappireddipatti and quash the same.

For Petitioners : Mr.V.Raghavan
For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed by the petitioners to quash the proceedings in C.C.No.193 of 2009 pending on the file of the learned Judicial Magistrate, Pappireddipatti.

2. The petitioners have been arraigned as A-1 to A-12 in C.C.No.264 of 2008 pending on the file of the learned Judicial Magistrate, Pappireddipatti. A case has been registered for the offences punishable under Sections 147, 148, 294(b), 325, 324, 323, 506(ii) of IPC on the file of the respondent. After completion of investigation, the Investigating Officer laid charge sheet against the petitioners. The learned Magistrate has taken cognizance of the offences and issued summons to the petitioners.

3. The learned counsel for the petitioners would submit that as per the First Information Report, the occurrence had taken place at Anna Nagar, Melkottai, Ranimookannar, near the complainant's well. According to him, the place of occurrence falls within the jurisdiction of Morappur Police Station. In this connection, he relied on a communication obtained under the Right to Information Act to show that "Ranimookannar" falls within the limits of Morappur Police Station. The learned counsel for the petitioners would also submit that A-1 has been summoned as a witness in the case. On these grounds, he seeks to quash the proceedings.

4. The learned Additional Public Prosecutor appearing for the respondent would assert that the place of occurrence fell within the jurisdiction of the respondent police i.e. Kadathur Police Station. He would further submit that the question of territorial jurisdiction can be raised before the trial court and at this stage the proceedings cannot be quashed on the grounds raised by the petitioners, as the learned Magistrate has already taken cognizance and framed charges.

5. The learned Additional Public Prosecutor would further submit that summons has been issued to the first petitioner / A-1 inadvertently. According to him, the prosecution is not going to examine the accused. His submission is placed on record. After getting instructions from the respondent police, the learned Additional Public Prosecutor would submit that the trial has commenced and out of 14 witnesses cited in the charge sheet, except the Investigating officer, all other witnesses have already been examined.

6. Having regard to the submissions made by the learned Additional Public Prosecutor that the trial already has commenced in this case, it must be allowed to go on. Whatever contentions raised in this Petition could be agitated before the Trial Court.

7. In view of the above, this Court is not inclined to quash the proceedings. Therefore, this Criminal Original Petition

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deserves to be dismissed and accordingly, it is dismissed.
Consequently, connected Miscellaneous Petition is closed

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Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sri

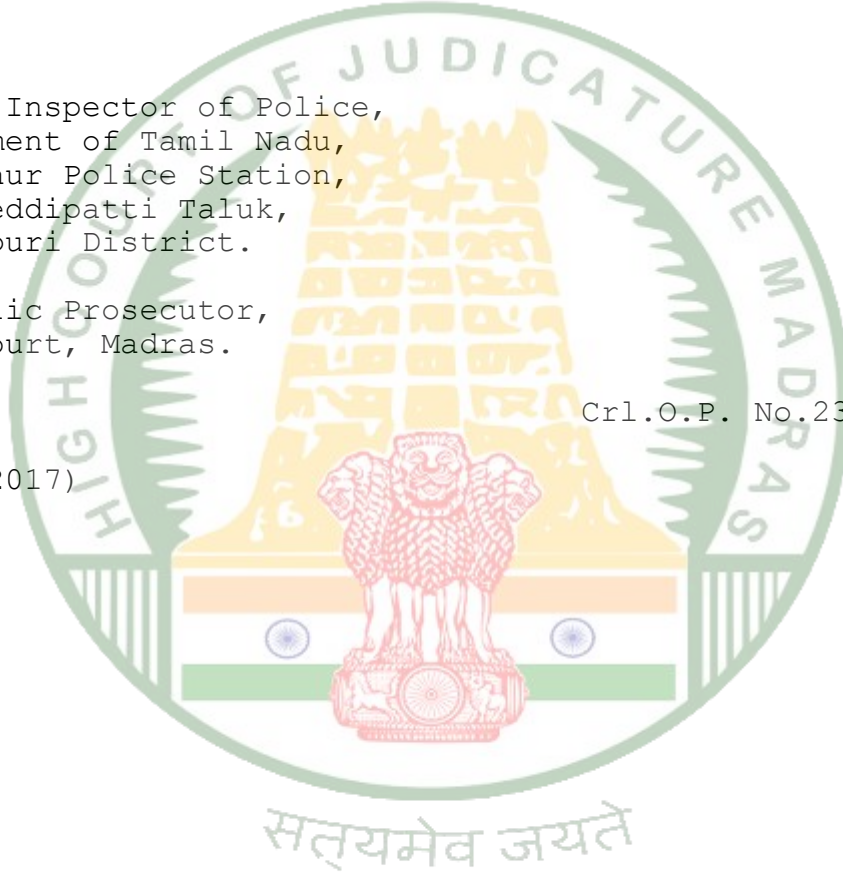
To

1.The Sub Inspector of Police,
Government of Tamil Nadu,
Kadatthur Police Station,
Pappireddipatti Taluk,
Dharmapuri District.

2.The Public Prosecutor,
High Court, Madras.

SK(CO)
VR(13/02/2017)

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