



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.10074 of 2017

and

CRL.M.P.(MD)No.6882 & 6883 of 2017

Chandra

... Petitioner/Sole Accused

-Vs-

V.C.Kamban

... Respondent/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to quash the P.R.C.No.34 of 2015 on the file of the Judicial Magistrate No.I, Thanjavur.

For Petitioner : Mr.S.Prabhu

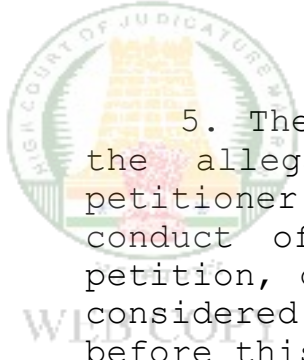
O R D E R

This petition is filed to quash the criminal case which is pending in P.R.C.No.34 of 2015 on the file of learned Judicial Magistrate No.I, Thanjavur.

2. Heard the learned counsel appearing for the petitioner.

3. The complaint was preferred by the respondent against the petitioner for the offence under Sections 294(b), 506(i), 323 and 352 of I.P.C., r/w Human Rights Act. The petitioner is the Women Inspector of Police. It is alleged that the complainant is the practicing Advocate who enrolled in the Bar Council of Tamil Nadu at Chennai on 14.06.1989.

4. It was the case of the complainant that he had been to the All Women police station where the petitioner was working as Inspector in relation to the complaint allegedly given by her daughter. When the complainant was present in the police station, it is stated by the respondent that he was ill-treated, threatened and sent out of the police station, by putting her hand on his neck, when the enquiry was conducted by the petitioner. The case is now pending enquiry in P.R.C.No.34 of 2015 on the file of the Judicial Magistrate No.I, Thanjavur.



5. The contention of the petitioner in this petition is that the allegations found in the complaint are not true. The petitioner has also made certain averments with regard to the conduct of the respondent. The facts that are stated in the petition, denying the averments stated in the complaint can not be considered at this stage, where the petitioner has come forward before this Court to quash the criminal proceedings.

6. The truth or otherwise of the complaint against the petitioner is a matter for evidence and this Court at this stage cannot go into the truth or veracity of the complaint. The scope for quashing the criminal complaint under Section 482 of Cr.P.C., is also well settled. In such circumstances, the Criminal Original petition is dismissed as devoid of any merits. However, the personal appearance of the petitioner is dispensed with, unless or otherwise it is specifically required by the lower Court. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.The Judicial Magistrate No.I, Thanjavur.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.S.Prabhu, Advocate, SR.No.69567

CRL.O.P.(MD)No.10074 of 2017
02.08.2017

pmu

AM/SKN RSK/SAR 2/29.08.2017/2P/4C