



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

CRL.O.P. (MD) Nos. 483 of 2015 and 11166 of 2017
and

M.P (MD) Nos. 1 & 2 of 2015

and

CRL.MP (MD) Nos. 210, 7278 & 7675 of 2017

CRL.O.P. (MD) No. 483 of 2015

1. M. Rajapandi
2. G. Sumithra
3. R. Guruvu
4. G. Muthulakshmi

: Petitioners / Respondents 1 to 4

-Vs-

M. Ramakrishnan

: Respondent / Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the complaint filed by the respondent herein under Section 200 of Cr.P.C. in C.C.No.563 of 2013 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Peraiyur and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr. G. Thalaimutharasu
For Respondent : Mr. A. John Vincent

CRL.O.P. (MD) No. 11166 of 2017

1. P. Ganapathy Ramasamy
2. G. Rukumony
3. G. Karthick

: Petitioners / Accused 5, 6, 8

-Vs-

<https://hcservices.ecourts.gov.in/hcservices/>
M. Ramakrishnan

: Respondent / Complainant



PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with the complaint filed by the respondent herein under Section 200 of Cr.P.C. in C.C.No.563 of 2013 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District and quash the same insofar as the petitioners are concerned.

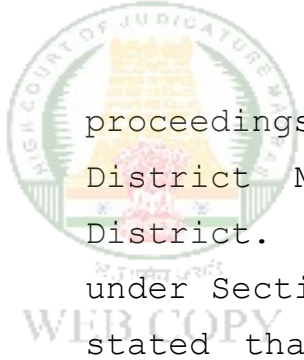
For Petitioners : Mr.C.Godwin
For Respondent : Mr.S.Sivaprakasam

COMMON ORDER

The above two Criminal Original Petitions are filed to quash the private complaint in C.C.No.563 of 2013, pending on the file of the District Munsif-cum-Judicial Magistrate, Peraiyur, Madurai District.

2.The petitioners in CrI.O.P.(MD)No.483 of 2015 are the accused 1 to 4 and the petitioners in CrI.O.P.(MD)No.11166 of 2017 are the accused 5, 6 & 8 in C.C.No.563 of 2013.

3.The case of the petitioners is that the sister of the second petitioner, in CrI.O.P(MD)No.483 of 2015, who is also the daughter of the first petitioner in CrI.O.P(MD)No.11166 of 2017, was married to the de-facto complainant and that due to the behavior of the de-facto complainant, a complaint was given by the wife of the de-facto complainant against the second respondent and his family members in Crime No.2 of 2011 on the file of All Women Police Station, South Madurai City. It is only because of the criminal complaint and the follow up action at the instance of the wife of the respondent/de-facto complainant, it is stated by the learned counsel appearing for the petitioners that a false complaint has been filed by the respondent as against the petitioners. Except alleging motive for the second respondent to give private complainant by the de-facto complainant, no legal ground is made in these petitions to quash the



proceedings in C.C.No.563 of 2013 pending on the file of the District Munsif-cum-Judicial Magistrate Court, Periyur, Madurai District. The complaint discloses cognizable offences punishable under Sections 147, 148, 341, 323, 324, 379 r/w 506(i) IPC. It is stated that the complaint is not maintainable and liable to be dismissed. Even from the factual averments, this Court is unable to find any legal ground to quash the proceedings. It can be seen that there is a dispute between the de-facto complainant and his wife. Merely because all the petitioners are in-laws of the respondent and they being close relatives of the respondent's wife, it can not be presumed that the respondent has given false complaint. Since the complaint given by the second respondent was closed, private complaint is entertained in view of protest petition.

4.The contention of the petitioners disputing the allegation levelled against the petitioners cannot be considered at this stage, since they are the matters for evidence. Though it is submitted that the alleged incident is a false story, this Court is of the view that the criminal proceedings cannot be quashed on the basis of the statement of the accused in the present proceedings. Hence, this Court is not inclined to entertain these petitions. The learned counsel appearing for the petitioners requested this Court to dispense with the appearance of the petitioners. It is open to the petitioners to file a petition before the trial Court and the same will be considered in accordance with law.

5.The learned counsel appearing for the petitioners submitted that some of the petitioners in these quash petitions are Government Servants and that the intention of the respondent is only to harass them and to cause embarrassment to the petitioners in their work place. Hence, this Court is inclined to give a direction to the learned District Munsif-cum-Judicial Magistrate, Periyur, Madurai District, to complete the trial and dispose of the proceedings as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.



6. With the above directions, these Criminal Original petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The District Munsif Cum Judicial Magistrate,
Peraliyur,
Madurai District.

+1cc to M/S.C.GODWIN, Advocate SR.No.81685.
+1cc to M/S.A.JOHN VINCENT, Advocate SR.No.81859.

CRL.O.P.(MD)Nos.483 of 2015 and 11166 of 2017
and
M.P(MD)Nos.1 & 2 of 2015
and
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04.10.2017

SSS
SDS/SV:MMS/SAR 3/20.12.2017/4P/4C