

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

**CRL.O.P. (MD)No.11668 of 2017 and
CRL.M.P. (MD)Nos.8027 & 8028 of 2017**

1. Siddharthan
2. Masilamani
3. Vimalraj
4. Mahalingam

... Petitioners/Accused

-Vs-

1. State represented by,
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.292 of 2015)

... 1st Respondent/Complainant

2. Pandimeenal

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records pertaining to C.C.No.65 of 2016, pending on the file of the learned Judicial Magistrate, Devakottai, and to quash the proceedings as against the petitioners herein.

For Petitioners : Mr.D.Rameshkumar,
for Mrs.K.Prabha

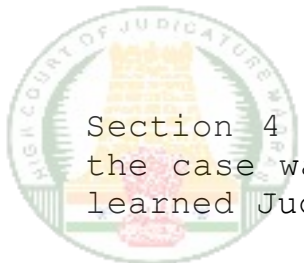
For R-1 : Mr.K.Anbarasan,
Government Advocate(Criminal Side).

O R D E R

This Criminal Original petition is filed for quashing the Charge Sheet in C.C.No.65 of 2016, pending on the file of the learned Judicial Magistrate, Devakottai, as against the petitioners herein.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal Side) appearing for the first respondent.

3. It is not in dispute that the petitioners are some of the accused in Crime No.292 of 2015 on the file of the first respondent. On the basis of the complaint received from the second respondent, a case was registered in Crime No.292 of 2015 for the offences under Sections 147, 294(b), 323 and 506(ii) I.P.C., r/w



Section 4 of TNPHW Act, 1997. After filing of the Charge Sheet, the case was taken on file in C.C.No.65 of 2016 on the file of the learned Judicial Magistrate, Devakottai.

4. The petitioners have relied upon some of the statements of the witnesses, stating that there is a previous enmity between the petitioners/accused and the second respondent/defacto complainant. The learned counsel for the petitioners also relied upon the statement of one of the witnesses showing that there was a motive for giving a false complaint as against the petitioners. The contention of the petitioners is that a false case has been foisted against the petitioners. The question whether the complaint is true or not can be decided only at the time of trial.

5. Having regard to the evidence and other materials produced before this Court, this Court does not find any merits in this petition and the Criminal Original petition is dismissed.

6. However, the learned counsel for the petitioners submitted that the appearance of the petitioners may be dispensed with, having regard to the peculiar circumstances of the case.

7. Hence, the appearance of the petitioners is dispensed with, unless or until their presence is specifically required by an order of Court. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Devakottai.
2. The Inspector of Police,
Devakottai Taluk Police Station, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. D.RAMESHKUMAR, Advocate, SR.No.76375.

CRL.O.P.(MD)No.11668 of 2017
04.09.2017