



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:04.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
CRL.O.P.(MD)No.12657 of 2017

and

CRL.M.P(MD)Nos.8726 & 8727 of 2017

1.M.Piramanayagam

2.M.Kalyani

3.Vellaisamy

4.V.Nainar @ Nainar Raj

... Petitioners /Accused 1 to 4/
Accused 1 to 4

-Vs-

1.State represented by its

Inspector of Police,
Vickramasingapuram Police Station,
Vickramasingapuram,
Tirunelveli District,
Cr.No.220 of 2015.

... 1st Respondent/Complainant/
Complainant

2.Murugesan

... 2nd Respondent /De-facto
Complainant /De-facto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the charge sheet in S.T.C.No.362 of 2017 on the file of the Judicial Magistrate, Ambasamudram, and quash the same.

For Petitioners : Mr.S.Krishnan

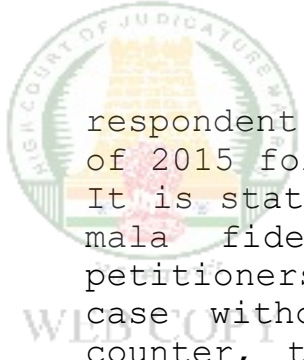
For Respondent 1 : Mr.K.S.Durai Pandian

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.362 of 2017, on the file of the learned Judicial Magistrate, Ambasamudram.

2.The petitioners are the accused Nos.1 to 4 in Crime No.220 of 2015 on the file of the Inspector of Police, Vickramasingapuram Police Station, Tirunelveli District. It is stated by the learned counsel appearing for the petitioners that on earlier occasion i.e., on 11.09.2015 at about 09.40 p.m., the de-facto complainant in the present case, trespassed into the petitioners' temple and that the first petitioner was brutally attacked by the de-facto complainant when questioned. Hence, a case was registered in Criminal Case No.219 of 2015 as against the accused/de-facto complainant under Sections 294(b), 341, 307 and 506(ii) of I.P.C. As the petitioners and others agitated in front of the road, the first



respondent police has also registered another case in Crime No.218 of 2015 for offence under Sections 147, 323, 294(b), 188 of I.P.C. It is stated by the learned counsel for the petitioners that with mala fide intention, the case was registered against the petitioners and the charge sheet has been filed in the present case without proper investigation. Since it is a case and counter, the learned counsel for the petitioners submitted that the respondent police without considering the bad antecedents of the de-facto complainant, has proceeded with and filed the charge sheet. The contention of the learned counsel for the petitioners regarding motive for the complaint cannot be gone into at this stage as the present petition has been filed for quashing the charge sheet. The charges framed against the petitioners disclose their involvement in the offence, for which, they are charged. The factual contentions raised by petitioners are matters for evidence and the same can be considered only at the time of trial. Having regard to the nature of the complaint and the facts of this case, this Court has no reason to interfere with the proceedings. Hence, the Criminal Original Petition is dismissed.

3. At this juncture, the learned counsel for the petitioners states that the second petitioner is a practicing Advocate and that the personal appearance of the petitioners may be dispensed with. It is open to the petitioners to file a petition before the trial Court for dispensing with their personal appearance and the same shall be decided on merits.

4. With the above observations, the Criminal Original petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Ambasamudram.
- 2.The Inspector of Police,
Vickramasingapuram Police Station,
Vickramasingapuram,
Tirunelveli District.

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