



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.16025 of 2017

and

CrI.M.P(MD)Nos.10611 & 10612 of 2017

- 1.Kothandaraman
- 2.Vinoth
- 3.Ramachandran
- 4.Kamalakaran
- 5.Balamurugan

... Petitioners/Accused Nos.1 to 5

-Vs-

- 1.State Represented by
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
Crime No.98 of 2017.

...Respondent/Complainant

- 2.Somasundaram

... Respondent/ Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in Charge Sheet in C.C.No.118/17 on the file of the Learned Judicial Magistrate No.3, Dindigul and quash the same.

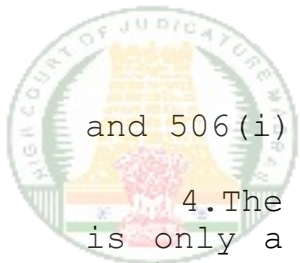
For Petitioner : Mr.R.Senthil Kumar
For R1 : Mr.K.S.Duraipandian,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed for quashing the Charge-sheet in C.C.No.118 of 2017 on the file of the Judicial Magistrate No.III, Dindigul.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3.The petitioners are accused Nos.1 to 5 in the proceedings in C.C.No.118 of 2017 on the file of the Judicial Magistrate No.III, Dindigul. On the basis of the complaint lodged by the second respondent in a case was registered originally in Cr.No.98 of 2017. After filing charge-sheet, the case was taken on file in C.C.No.118 of 2017 for the alleged offences under Sections 147, 148, 323, 324



and 506(i) of IPC.

4.The learned counsel for the petitioners submitted that this is only a counter case and that, the complaint that was lodged as against the defacto complainant was closed long back and that the charge-sheet has been filed only in the complaint lodged by the second respondent without conducting proper investigation. The learned counsel for the petitioner also submitted that the parties are relatives.

5.Finally, the counsel for the petitioner made some submissions disputing certain facts and raising issues involving disputed questions of fact. Having regard to the scope and jurisdiction of this Court under Section 482 Cr.P.C., the factual controversies based on the assertion of the petitioner cannot be considered. The fact that the complaint that was lodged by the petitioner as against the defacto complainant was closed, is not a ground for quashing the charge-sheet in the present case. It is to be noted that when there are two cases, a case and case in counter, it is expected from the investigation Agency to file charge-sheet in any one of the two cases where the accused is the aggressor. Then, this has been rightly done by the investigating agency. The fact that the parties are relatives cannot be a ground to quash the proceedings. Other submissions do not appeal to this Court to entertain this petition. Hence, the Criminal Original Petition is dismissed.

6.The learned counsel for the petitioner seeks indulgence of this Court to dispense with the personal appearance of the petitioners. It is open to the petitioners to file proper petition to the learned Judicial Magistrate No.III, Dindigul and the learned Magistrate may pass appropriate orders on merits.

7.The learned Additional Public Prosecutor stated that the case is posted on 28.11.2017 for questioning. The learned counsel for the petitioner also prays for a direction for early disposal of the case by the learned Judicial Magistrate No.III, Dindigul.

8.Considering the nature of the case and the scope of enquiry, this Court is inclined to pass the following direction:-

The learned Judicial Magistrate No.III, Dindigul is directed to expedite the trial and dispose of the C.C.No.118 of 2017 within a period of six months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(T & P)

/True Copy/



To

1.The Judicial Magistrate No.III, Dindigul.

2.The Chief Judicial Magistrate, Dindigul.

3.The Inspector of Police,
Ambathurai Police Station,
Dindigul District.

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

+1cc to Mr.R.SENTHIL KUMAR Advocate in SR. No. 89419

AM

JS/KK/SAR.1/8.12.2017/6C-3P

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