



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.16680 of 2017

and

CRL. MP(MD)Nos.11011 & 11012 of 2017

Eshwaran

... Petitioner/Accused No.3

Vs.

1.The Sub Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.

... 1st Respondent/Complainant

2.Kabiriyel

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the C.C.No.358 of 2017 on the file of the Judicial Magistrate, Ambasamudram and quash the same as against the petitioner.

For Petitioner : Mr.R.Vinoth Bharathi

For R1 : Mr.K.S.Durai Pandian,
Additional Public Prosecutor.

ORDER

This Criminal Original petition has been filed to call for the entire records pertaining to the C.C.No.358 of 2017 on the file of the Judicial Magistrate, Ambasamudram and quash the same as against the petitioner.

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



3.The petitioner is the third accused in the Criminal Case in C.C.No.358 of 2017 on the file of Judicial Magistrate, Ambasamudram. On the basis of the complaint lodged by the second respondent, a case was registered against the petitioner and others for the alleged offences punishable under Sections 294(b), 323, 342, 355 and 506(2) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. After filing the charge Sheet, the case was taken on file in C.C.No.358 of 2017, by the learned Judicial Magistrate, Ambasamudram.

4.In the complaint, the 1st accused is the brother of the son-in-law of the de-facto complainant. The 2nd accused is the neighbour of the 1st accused and the 3rd accused is the father of the de-facto complainant's son-in-law. It is further stated in the complaint that on 04.09.2015, when the wife of the de-facto complainant visited the house of the 1st accused, the accused assaulted the wife of the de-facto complainant and scolded her. The complaint lodged by the de-facto complainant clearly disclose cognizable offence as against the petitioner, who is the third accused. Similarly, the charge sheet also clearly disclose that the third accused namely the petitioner has not only threatened the de-facto complainant but also attacked the second witness one Mariaselvam, along with the other two accused and caused blood injury to the second witness. The charge sheet is only on the basis of the statements obtained from all other witnesses under Section 161(3) of CrI.P.C. The occurrence of the incident is corroborated by other evidence and materials.

5.In such circumstances, this Court is not inclined to entertain the petition based on the factual submissions of the learned counsel for the petitioner, controverting allegations found in the First Information Report as well as the charge sheet which are matter for evidence at the time of trial.



6.This Court is not inclined to entertain this petition and find no merits in this petition. Accordingly, this petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.The learned counsel for the petitioner seeks indulgence of this Court to give a direction to the Lower Court to dispose of the proceeding as expeditiously as possible.

8.This Court direct the Judicial Magistrate, Ambasamudram to dispose of the proceedings in C.C.No.358 of 2017, within a period of three months from the date of receipt of a copy of this Court.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Ambasamudram

2.The Sub Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.

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

+1cc to M/S.R.VINOTH BHARATHI, Advocate SR.No.91360.

Cr1.O.P. (MD) .No.16680 of 2017
and
CRL. MP (MD) Nos.11011 & 11012 of 2017
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dss/rmk

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