



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.16943 of 2017

and

CrI.M.P(MD)No.11158 & 11159 of 2017

Ramamoorthy

... Petitioner/Accused No.4

-Vs-

1.State Rep. by

The Inspector of Police,
Rameswaram Temple Police Station,
Ramanathapuram District.
(Crime No.49 of 2013).

...1st Respondent/Complainant

2.T.M.Kannan

...2nd 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 the Charge Sheet in C.C.No.79 of 2017 on the file of the Learned Judicial Magistrate, Rameswaram, Ramanathapuram District and quash the same as against the petitioners.

For Petitioner
For R1

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

O R D E R

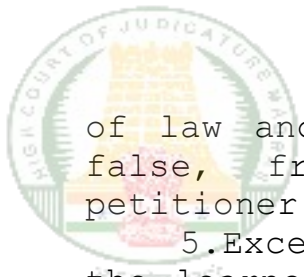
This Criminal Original Petition is filed to quash the proceedings in C.C.No.79 of 2017 on the file of the learned Judicial Magistrate, Rameswaram.

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

3.On the basis of the complaint lodged by the second respondent, a case was registered in Cr.No.49 of 2013 as against the petitioner before the first respondent for the alleged offences punishable under Sections 147, 148, 448, 294(b), 323, 427 and 506(ii) of IPC. After filing the charge-sheet, the case was taken on file in C.C.No.79 of 2017 on the file of the learned Judicial Magistrate, Rameswaram.

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

4.It is contended that the charge-sheet is an abuse of process



of law and that it deserves to be quashed as the complaint is false, frivolous, illegal as against the petitioner. The petitioner is shown as fourth accused in the criminal case.

5. Except disputing the truth of the contents of the complaint, the learned counsel for the petitioner is not able to make out a case by raising any legal grounds. The complaint clearly discloses the event and the alleged offences are prima facie made out. In such circumstances, there is no scope for entertaining this petition.

6. The learned counsel for the petitioner states that the petitioner is a practicing Advocate and some indulgence may be shown to dispense with the personal appearance.

7. This Court is inclined to accept the contention of the petitioner having regard to the nature of the case. Hence, the Criminal Original Petition is dismissed. However, the personal appearance of the petitioner is dispensed with, unless and until his appearance is specifically required by the Court below. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Rameswaram.

2. The Inspector of Police,
Rameswaram Temple Police Station,
Ramanathapuram District.

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

+1cc to Mr. R. SENTHILKUMAR, Advocate, SR. 92017

CRL.O.P. (MD) No. 16943 of 2017
11.12.2017

AM

KK/MR KKR/SAR 3/21.12.2017/ 2P- 5C/