



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.403 of 2017

1.G.Arun

2.K.Sumithira

3.K.Vignesh

4.K.Sivapriya

5.P.Pandeeswari

6.K.Lakshmi

7.S.Saraswathi

8.S.Mathankumar

9.S.Surya

10.G.Sudar

11.M.Shankar

12.G.Magudapathi

13.T.Shankar

... Petitioners/Accused

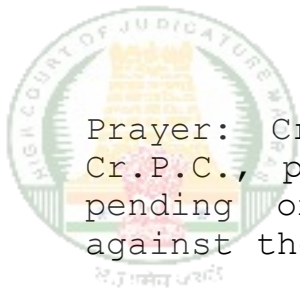
-vs-

1.State represented by
Inspector of Police,
Thirunagar Police Station,
Madurai District
(Crime No.362/2015)

...1st Respondent/Complainant

2.R.Jeyaraj

...2nd Respondents/Defacto
complainant



Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to quash the charge sheet in C.C.No.155 of 2016 pending on the file of Judicial Magistrate, No.VI, Madurai, against the petitioners.

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For Petitioner : Mr.D.Vijayaraghavan
For Respondents : Mr.K.Anbarasan
Government Advocate (Crl. side)

O R D E R

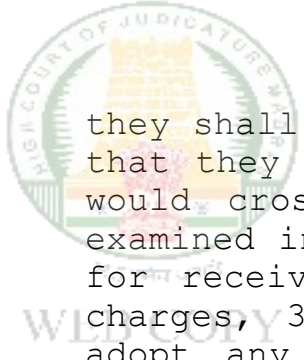
This petition has been filed to quash the case in C.C.No.155/2016 on the file of the learned Judicial Magistrate, No.VI, Madurai.

2. On the complaint lodged by Jeyaraj, the respondent police registered a case in Crime No.362/2015 and after completing the investigation filed a final report in C.C.No.155/2016 before the Judicial Magistrate, No.VI, Madurai, for offences under Sections 147, 294(b), 506(i) IPC against the petitioners' herein (A1 to A17). Similarly, on the complaint given by Shankar, S/o.Thavasi Thevar (A17 in Crime No.362/2015/CC 155/2016), the respondent police registered a case in Crime No.363/2015 for offences under Sections 323, 506(ii) IPC against 9 accused, namely, Pandurengan and 8 others and after completing the investigation they have filed a final report in C.C.No.250/2016 before the Judicial Magistrate, No.VI, Madurai for offences under Sections 323, 506 (ii) IPC against the 9 accused. Thus, apparently, both the cases filed against each other are pending trial before the Judicial Magistrate No.VI, Madurai. While so, the petitioners/accused in C.C.No.155/2016 in Crime No.322/2015 are before this Court for quashing the prosecution on the ground that the same is abuse of process of law.

3. Heard the learned counsel for the petitioners and the learned Government Advocate for R1.

4. On a reading of the final report of the accompanying documents, it is seen that the de-facto complainant Jeyaraj appears to have been assaulted by the accused herein. Since there are prima facie materials on record, this is not a fit case to quash the prosecution in the light of the law laid down in *State of Haryana and others v. Bhajan Lal and others* reported in 1992 Supp (1) SCC 335.

5. In the result, this petition is dismissed. However, the petitioners shall appear before the trial Court and those who have not been released either on bail or on anticipatory bail, shall furnish a bond under Section 88 of the Code of Criminal Procedure to the satisfaction of the Judicial Magistrate, No.VI, Madurai. Thereafter, the presence of the women folk alone in C.C.No.155/2016 is hereby dispensed with, on condition that



they shall file an affidavit of undertaking before the trial Court that they will not disputed their identity and that their counsel would cross examine the witnesses on the day, when they were examined in chief and that they will appear before the trial Court for receiving the copies under Section 207 Cr.P.C., framing of charges, 313 questioning and on the date of judgment. If they adopt any dilatory tactics, it is open to the trial Court to insist upon their presence. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1.The Judicial Magistrate, No.VI,Madurai

2.The Inspector of Police,
Thirunagar police station,Madurai District.

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

+1CC to M/S.D.Vijayaragavan, Advocate, SR.No. 13198

Cr1.O.P.(MD)No.403 of 2017
and Cr1.M.P.Nos.371 and 372/2017
07.03.2017

RR

KK-SVMMS-24.03.2017-3P-5C