

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.5248 of 2018

and

CrI.M.P.No.2589 of 2018

S.Ravi
S/o.Singaram

.. Petitioner

Vs

1.The Station House Officer
Madipakkam Police Station
Keelkattalai
Chennai.

2.M.Sathya
D/o.Malisamani

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records and quash the charge sheet in STC No.434 of 2017 on the file of the Judicial Magistrate Court, Alandur.

For Petitioner :Ms.K.Jenitha

For Respondents:Mr.C.Raghavan

Govt. Advocate (CrI. Side) for R1
Mr.M.Himavanth for R2

O R D E R

For the sake of convenience, the parties will be referred to by their names.

2. It is the case of the prosecution that Revathy (A1) was married to Jegadeesan and their relationship got estranged. It is alleged that on 08.10.2017, Revathy came along with her father Ravi (A2), mother Selvi (A3) and brother Soundrapandian (A4) to the house of Jegadeesan, where a wordy quarrel ensued. The wordy quarrel escalated, resulting in Revathy's group beating Sathya (sister of Jegadeesan), a physically challenged person. Sathya was admitted to the hospital and on her complaint, the respondent police registered a case in Crime No.1053 of 2017 and after completing the investigation, has filed a charge sheet in STC No.434 of 2017 before the Judicial Magistrate, Alandur against A1, A2, A3 and A4, for quashing which Ravi is before this Court.

3. Heard the learned counsel for Ravi, learned Government Advocate (Crl. Side) and learned Counsel for Sathya.

4. Learned counsel for Ravi submitted that no such incident had taken place in the house, in as much as Revathy had gone to her matrimonial home in the morning and she was not permitted to enter the house. On coming to know of it, Ravi, Selvi and Soundarapandian had merely gone for settling the matter, but whereas it was distorted, as if Sathya was assaulted.

5. Per contra, learned counsel for Sathya refuted the contention and submitted that Sathya suffered bleeding injuries as could be seen from the statement of Dr.J.K.Prakash.

6. This Court has given its anxious consideration to the rival submissions made by the parties.

7. Admittedly, on account of family dispute, the alleged incident had taken place. However, Sathya, being a physically challenged person, appears to have suffered bleeding injuries on her face, as could be seen from the statement of Dr.J.K.Prakash. The submission of the counsel for the accused Ravi is that he had not beaten Sathya. It is a disputed question of fact which cannot be gone into in a quash application under Section 482 Cr.P.C.

8. In the result, this petition is devoid of merits and dismissed with liberty to the petitioner to raise all the points before the trial Court after the charges are framed.

9. However, the petitioner shall appear before the trial Court for receiving the charge sheet under Section 207 Cr.P.C, for questioning under Section 313 Cr.P.C. and on the date of judgment. His presence before the trial Court is dispensed with on the other days, on condition that he shall file an affidavit before the trial Court that he will not dispute his identity and that, his counsel will cross-examine the witnesses when they examined in-chief, as held by the Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MLJ [Crl] 288. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

To

1.The Station House Officer
Madipakkam Police Station
Keelkattalai
Chennai.

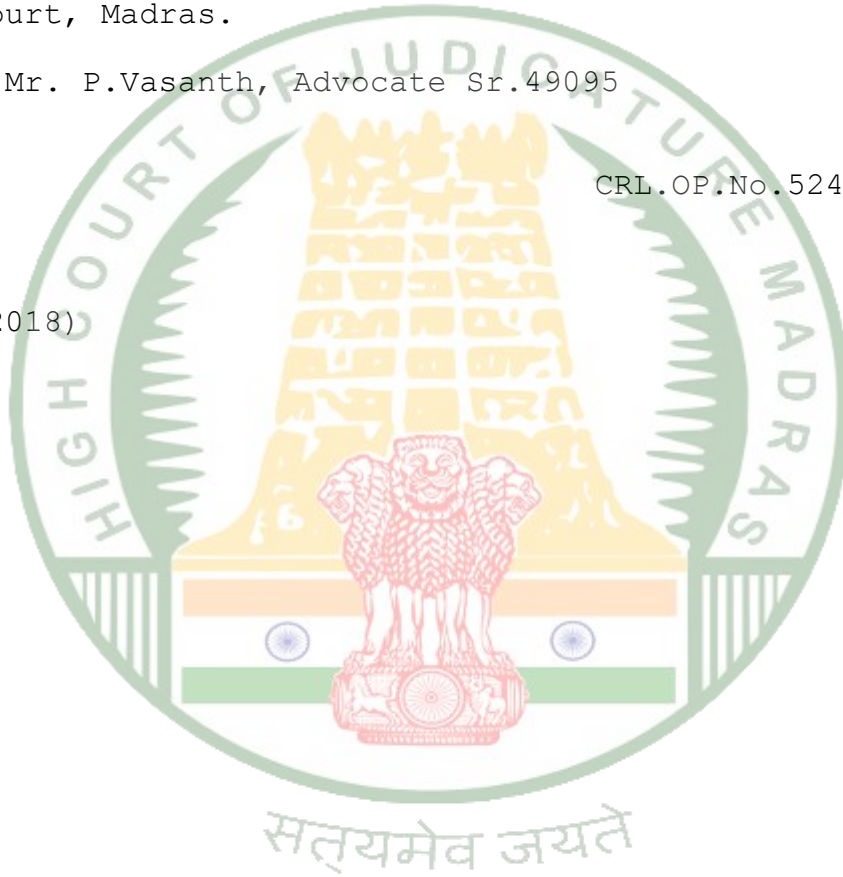
2. The Judicial Magistrate, Alandur.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. P.Vasanth, Advocate Sr.49095

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GJII(CO)
EU(06/08/2018)



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