

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10511 of 2018

and

Crl.M.P.No.5396 of 2018

1.S.Veeran
2.S.Murugan
3.V.Jayanthi
4.V.Revathi

...Petitioners

Vs

1.The State rep. by:
The Inspector of Police,
Kinathukadavu Police Station
Coimbatore District
(Cr.No.94 of 2017)

2.K.Ramakrishnan ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the entire records in C.C.No.187 of 2017 on the file of the learned Judicial Magistrate I, Pollachi and to quash the same.

For Petitioners :Mr.P.Saravanan

For Respondents :Mrs.P.Kritika Kamal,
Government Advocate (Crl.Side)
for R1

ORDER

The prayer sought for in this Petition is to quash the proceedings in C.C.No.187 of 2017 on the file of the learned Judicial Magistrate I, Pollachi.

2.On the complaint lodged by Veeran, the Police have registered a case in Crime No.93 of 2017 on 21.04.2017 for the offences under Sections 294(b), 324 and 506(ii) of IPC and Sections 3(1)(r) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, against Raman (Ramakrishnan), Sasikala, and Kalaiselvi.

3.On the complaint lodged by Raman (Ramakrishnan), the Police have registered an FIR in Crime No.94 of 2017 for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002 against Veeran, Murugan, Jayanthi and Revathi.

4. After completing the investigation in Crime No.94 of 2017, the Police have filed a charge sheet in C.C.No.187 of 2017 before the learned Judicial Magistrate No.I, Pollachi against the petitioners. Challenging which, the petitioners are before this Court for quashing the Charge sheet.

5. Heard learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the 1st respondent.

6. The learned counsel appearing for the petitioners submitted that the FIR in Crime No.94 of 2017 itself has been registered only on 21.04.2017 in respect of the incident said to have taken place on 10.04.2017. Therefore, he submitted that the entire prosecution is a mala fide exercise of power.

7. Per contra, the learned Government Advocate (Criminal Side) refuted the said submissions.

8. On a conspectus of the facts obtaining in this case, it is seen that the 1st petitioner went to the Police Station and lodged a complaint on 21.04.2017 against Raman @ Ramakrishnan and his family members making allegations under the SC/ST Act, in respect of the incident that had taken place on 10.04.2017.

9. Under such circumstances, Raman (Ramakrishnan) had no other option but to give his version of the incident, based on which, an FIR has been registered in Crime No.94 of 2017. However, the statement of Dr. Rajasekaran shows that Ramakrishnan was admitted in the hospital on 10.04.2017 at 09.20 a.m., with injuries and in the Accident Register, it is stated that he has been assaulted by his neighbours. In such view of the matter, the delay in giving the complaint cannot be said to be fatal in the facts and circumstances of this case.

10. In the result, this petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed.

11. The learned counsel appearing for the petitioners submitted that Revathi (A4) is a College going girl and Jayanthi (A3) is a cooli worker. Hence, their presence before the trial Court may be dispensed with.

12. Accepting the submission of the learned counsel appearing for the petitioners, this Court directs the petitioners 3 and 4/accused 3 and 4 to appear before the trial Court for receiving papers under Section 207 Cr.P.C, at the time of framing charge

and for examination under Section 313 Cr.P.C and on the day of Judgment. Their appearance may be dispensed with on the other dates, if the petitioners file a petition undertaking that their counsel will examine the witnesses, even in their absence and they will not unnecessarily take adjournment and they will not dispute their identity. The Trial Court is directed to liberally consider the same. If the accused do not co-operate with the trial, the Trial Court can insist upon the presence of the petitioners 3 and 4. If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
Assistant Registrar(audit)

//True Copy//

Sub Assistant Registrar

vum/mps

To

1. The Judicial Magistrate I,
Pollachi.
- 2.The Public Prosecutor,
Madras High Court,
Chennai.
- 3.Thro The Chief Judicial Magistrate
Coimbatore
- 4.The Inspector of police
Kinathukadavu Police Station
Coimbatore

+1 cc to M/s.P.Saravanan Advocate sr 24924

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