

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.12169 of 2018

and

Crl.M.P.Nos.6446 & 6447 of 2018

1.T.Uthirapathi
2.U.Valli

.. Petitioners

Vs

R.Srinivasan

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for records pertaining to C.C.No.44 of 2011 on the file of the Judicial Magistrate No.II, Chidambaram and quash the said complaint filed by the respondent.

For Petitioners : Dr.P.Jagadeesan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.44 of 2011 on the file of the Judicial Magistrate Court No.II, Chidambaram.

2.The respondent has filed a private complaint in C.C.No.44 of 2011 against the petitioners herein, alleging that on 28.11.2010, the petitioners attempted to set fire to the respondent's house, after locking the respondent inside. After recording the sworn statement of the respondent and his witnesses, summons have been issued to the petitioners to appear for enquiry. While so, the petitioners have filed this present quash petition, on the ground that there are no prima facie materials for the prosecution to proceed.

3.Heard the learned counsel for the petitioner and perused the materials available on record.

4.On a reading of the complaint and the sworn statement, it is alleged by the de facto complainant that the petitioners attempted to set fire, after locking the respondent in the house and the local people rescued him. It is further alleged that the 1st petitioner is a retired Police Constable. Thus, when

there are prima facie materials for taking cognizable offence, the prosecution cannot be quashed. However, this is a private complaint case, wherein, Section 244 of Cr.P.C. has to be followed. Therefore, this court directs the petitioners to appear before the trial Court within two weeks from the date of receipt of a copy of this order and execute a bond for a sum of Rs.5,000/- [Rupees five thousand only] without sureties to the satisfaction of the trial Court. The trial Court is directed to complete the enquiry under Section 244 of Cr.P.C. by examining the witnesses produced by the respondent/complainant and thereafter, it is open to the petitioners to seek discharge from prosecution under Section 245 of Cr.P.C.

With the above direction, this petition is ordered accordingly. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Audit)

//True copy//

Sub Assistant Registrar

gya

To

- 1.The Judicial Magistrate Court No.II,
Chidambaram.
- 2.do - Thro Chief Judicial Magistrate,
Cuddalore.

+lcc to Deputy Registrar.P.Jagadeesan, Advocate SR.No.31040

PVS(CO)
GN(11/05/2018)

CRL.OP.No.12169 of 2018

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