

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DELIVERED ON: 09.08.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

CrI.O.P.No.16160 of 2013

and

M.P.No.1 of 2013

R.Ravindran ... Petitioner

Vs.

K.Meenakshisundram Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records in C.C.No.1265 of 2012 on the file of the Judicial Magistrate No.II, Coimbatore and quash the same.

For Petitioner : Mr.N.K.Prasanna
for M/s Sai Bharath and Ilan

For Respondent : No appearance

ORDER

The petitioner is the accused in C.C.No.1265 of 2012 on the file of the Judicial Magistrate No.II, Coimbatore.

2. The respondent/complainant preferred a complaint under Section 200 of the Code of Criminal Procedure before the Judicial Magistrate No.II, Coimbatore against the present petitioner/accused for the alleged offences punishable under Sections 294(b), 323, 341 and 506(i) of the Indian Penal Code.

3. The brief case of the respondent/complainant in C.C.No.1265 of 2012 on the file of the Judicial Magistrate No.II, Coimbatore in nutshell is as follows. The respondent is employed in Rajasekara Musical Shop, I floor, Lakshmi Complex, Gross Cut road, Coimbatore and on 05.10.2012, he accompanied his friend Pandian, who wanted to see the house purchased by him at Telugu Street, Coimbatore. According to the respondent/complainant, when his friend Pandian requested the tenant Ravindran (petitioner herein) to vacate the house, he

abused both the respondent and his friend Ravindran in filthy language and subsequently, on 15.10.2012, when the complainant was proceeding towards his shop along with his friends Krishnaraj, Rajesh and Thangarasu at about 3.00 p.m., the petitioner/accused abused him in filthy language near Lakshmi complex and also threatened him that he would kill him. The further contention of the respondent/complainant is that the petitioner/accused unlawfully restrained him, causing simple injury to him.

4. The petitioner/accused in this petition has contended that all the allegations made in the complaint did not disclose any cognizable offence and that there are no ingredients to attract the offences punishable under Sections 294(b), 341 and 506(i) of the Indian Penal Code. It is also his contention that the Judicial Magistrate No.II, Coimbatore has taken cognizance of the offence, based on the sworn statement of the respondent/complainant, even though the police did not take any action on the complaint preferred by the respondent/complainant. Mr.N.K.Prasanna, learned counsel appearing for M/s Saibharath and Ilan, counsel for the petitioner would contend that the respondent/complainant had lodged a complaint before the Judicial Magistrate No.II, Coimbatore with malafide intention and that a civil dispute has been given a criminal colour. His specific contention is that, none of the offences, as mentioned in the petition would be made out, even if the entire allegations mentioned in the complaint are taken to be true.

5. It is pertinent to point out that a perusal of the complaint shows that there are cognizable offences and this court at this stage, that too in a petition filed under Section 482 of the Code of Criminal Procedure, cannot conduct any roving enquiry to find out whether the allegations made in the complaint are true or false. Further, all the contentions are disputed question of facts and therefore, in the facts and circumstances of the present case, I do not find any reason to quash the proceedings in C.C.No.1265 of 2012 on the file of the Judicial Magistrate No.II, Coimbatore.

6. Accordingly, this criminal original petition is dismissed. However, since the case in C.C.No.1265 of 2012 on the file of the Judicial Magistrate No.II, Coimbatore is pending for more than 6 years, the Judicial Magistrate No.II, Coimbatore is directed to dispose of the case, within a period of three months, from the date of receipt of a copy of this order.

7. With the above observations, the Criminal original petition is dismissed and consequently, connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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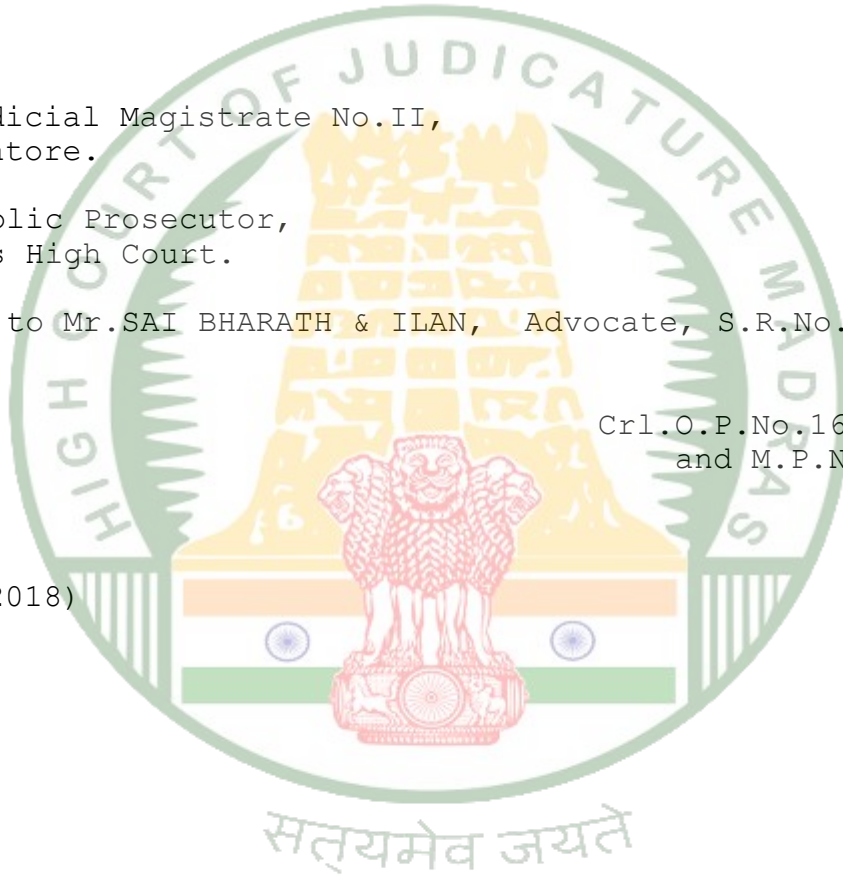
To

1. The Judicial Magistrate No.II,
Coimbatore.
2. The Public Prosecutor,
Madras High Court.

+1cc to Mr.SAI BHARATH & ILAN, Advocate, S.R.No. 54857

Crl.O.P.No.16160 of 2013
and M.P.No.1 of 2013

KS (CO)
TR(29/08/2018)



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