

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2018

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THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

CRL.O.P.No.17777 of 2013

and

M.P.No.1 of 2013

Ravikumar .. Petitioner / 1st Accused

Vs

Saraswathi .. Respondent / Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in C.C.No.34 of 2013 on the file of the Judicial
Magistrate, Gingee and quash the same.

For Petitioner : Mr.S.M.Muralidharan

For Respondent : Mr.T.Dhanasekaran

सत्यमेव जयते

ORDER

The petitioner is the first accused in C.C.No.34 of 2013 on the file
of the learned Judicial Magistrate, Gingee. He has filed the present petition
to quash C.C.No.34 of 2013 under Section 482 Cr.P.C.

2.The respondent filed a private complaint under Section 200

Cr.P.C. before the learned Judicial Magistrate, Gingee in C.C.No.34 of 2013,
<http://www.judis.nic.in>

against the present petitioner as well as two other persons for the alleged offences punishable under Sections 294 (b), 447, 427 and 506 (ii) I.P.C.

3.The learned Judicial Magistrate, Gingee took cognizance of the offence and issued summons to the accused.

4.The learned counsel appearing for the petitioner contended that the respondent herein lodged a complaint dated 23.09.2012 with the Inspector of Police, Gingee Police Station and the said complaint was closed by the Inspector of Police, contending that the matter is purely civil in nature. His specific contention is that since the complaint given by the respondent was already closed by the police, the complainant cannot file a private complaint under Section 200 Cr.P.C.

5.A perusal of the complaint shows that prima facie materials are made out for the alleged offences punishable under Sections 294 (b), 447, 427 and 506 (ii) I.P.C. and the learned Judicial Magistrate was right in taking cognizance of the offence. Merely because the Police has closed the complaint given by the respondent contending that the matter is purely civil in nature, the respondent cannot be prevented from filing a private complaint under Section 200 Cr.P.C.

6. Therefore, I do not find any reason to quash the entire proceedings against the petitioner herein. Accordingly, this Criminal Original Petition is dismissed. Since the Calender Case is of the year 2013, the learned Judicial Magistrate, Gingee is directed to dispose of the same within a period of three months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
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R.HEMALATHA, J.

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