



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.25394 of 2017
and
Crl. M.P. No.14625 of 2017

R.Iyyanar

: Petitioner

Vs.

1.State rep. by
The Station House Officer,
Kalapet Police Station,
Kalapet, Pondicherry.

2.Dr.Udit B Dass,
Assistant Medical Superintendent,
PIMS Hospital, Ganapathy Chettykulam,
Pondicherry.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the S.T.C. No.1128 of 2017, on the file of the Judicial Magistrate No.2, Pondicherry and to quash the same.

For Petitioner : Mr.G.Murugendran

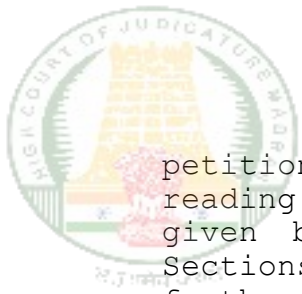
For Respondents : Mr.V.Balamurugan

Addl. Public Prosecutor (Pondicherry) for R1
: M/s.L.Poompavai for R2

ORDER

This petition has been filed challenging the proceedings in S.T.C. No.1128 of 2017, pending on the file of the learned Judicial Magistrate No.II, Pondicherry.

2.The learned for the petitioner would submit that the petitioner was working as a Technician in the second respondent hospital and there are pending issues between the petitioner and the second respondent hospital and the petitioner was member of Union and therefore a false complaint has been given against the



petitioner. The learned counsel would further submit that a reading of the entire final report along with the statement given by the witnesses, do not make out the offence under Sections 427, 294(b) 323 r/w 34 of I.P.C. The learned would further submit that there are absolutely no material to show that there was damage to any article and no one has sustained any injury during the alleged incident. Therefore, the learned counsel would further submit that the entire complaint is attended with mala fides.

3.The learned Additional Public Prosecutor (Pondicherry) representing the first respondent would submit that there are sufficient materials by way of statement of witnesses, that are available against the petitioner and at the stage of framing of charges, prima facie materials are enough and even a strong suspicion can be a ground for framing of charges. The learned Public Prosecutor would further submit that this Court should not interfere with the proceedings at this stage.

4.The learned counsel for the second respondent while adopting the arguments made by the learned Public Prosecutor would submit that there are sufficient materials for the Court below to frame charges against the petitioner.

5.This Court has carefully considered the submissions made on either side.

6.The grounds that have been raised by the petitioner are factual in nature and it requires appreciation of evidence. This Court in exercise of its jurisdiction under Section 482 of Cr.P.C., cannot do the said exercise. The petitioner is at liberty to raise all the issues before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

7.Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar



ia/vsg1

To

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- 1.The learned Judicial Magistrate No.II,
Pondicherry.
- 2.The Station House Officer,
Kalapet Police Station,
Kalapet, Pondicherry.
- 3.The Public Prosecutor,
Pondicherry,
High Court, Madras.

+1cc to Mr.G.Murugendran, Advocate sr.no.79458

Crl.O.P.No.25394 of 2017

nr 03/12/2018