

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.23744 of 2018 and
CrI.M.P.Nos.13361 and 13365 of 2018

P. Selvakumar .. Petitioner/Single Accused

Vs

1. The Sub Inspector of Police
Moolanur Police Station,
Moolanur, Tiruppur District.

2. R. Panneerselvam .. Respondents/Defacto
Complainant

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records relating to C.C.No.267 of 2014
on the file of learned Judicial Magistrate Court, Dharapuram,
Thiruppur District and quash the same.

For Petitioner : Mr.S.Gunasekaran

For R1 : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call
for the records relating to C.C.No.267 of 2014 on the file of
Judicial Magistrate Court, Dharapuram, Tiruppur District, and
quash the same.

2. The petitioner is facing prosecution in C.C.No.267 of
2014 before the Judicial Magistrate Court, Dharapuram,
Tiruppur District, for the offences under Sections 341, 294
(b), 323 and 506(ii) IPC, for quashing which, this petition
has been filed.

3. Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor, appearing for the 1st
respondent police.

4. The learned counsel for the petitioner submitted that
a false complaint has been foisted against the petitioner by
the de facto complainant in collusion with the petitioner's
superior officers.

5. However, on a reading of the complaint and the statements under Section 161(3) Cr.P.C. recorded by the police, it is alleged that the petitioner had attacked the de facto complainant and the de facto complainant had also undergone treatment in the hospital, which has been established by the statement of Dr.Manoharan, Assistant Medical Officer, N.G. Hospital, Singaranallur, Coimbatore.

6. Thus, when there are prima facie materials for the trial to proceed against the petitioner, it is not a fit case to quash the proceedings at the threshold.

Therefore, this Criminal Original Petition is dismissed with a direction to the trial Court to complete the trial in C.C.No.267 of 2014 within a period of six months from the date of receipt of a copy of this order, provided the petitioner co-operates. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

mkn/ssr
To

1. The Sub Inspector of Police
Moolanur Police Station,
Moolanur, Tiruppur District.
2. The Judicial Magistrate Court,
Dharapuram,
Thiruppur District
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Gunasekaran, Advocate SR.NO.69202

KJ(CO)
sm:30.10.2018

Cr1.O.P.No.23744 of 2018