

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.23737 of 2018 and
CrI.M.P.Nos.13355 and 13356 of 2018

P.Selvakumar ..Petitioner/Accused

Vs.

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

2. R.Senapathi ...Respondents/Defacto Complainant

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records relating to C.C.No.120 of 2015
on the file of learned Judicial Magistrate Court, Dharapuram,
Thiruppur District and quash the same.

For Petitioner : Mr.S.Gunasekaran

For Respondents : 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.120 of 2015 on the file of
Judicial Magistrate Court, Dharapuram, Thiruppur District, and
quash the same.

2. The petitioner is facing prosecution in C.C.No.120
of 2015 before the Judicial Magistrate Court, Dharapuram,
Thiruppur District, for the offences under Sections 341, 294
(b) and 506(ii) IPC, for quashing which, he is before this
Court.

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
and the petitioner has been falsely implicated in this case.

5. However, it is alleged in the charge sheet in

restrained the de facto complainant on 27.03.2014 at 10.30 a.m. and abused him in public and further threatened to kill him, if he complains against the petitioner, to his superior officers.

6. On a reading of the FIR and the accompanying statements under Section 161(3) Cr.P.C. recorded by the police, it is seen that there are prima facie materials for the trial to proceed against the petitioner. Hence, this Court is of an opinion that, 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.120 of 2015 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.
mkn/ssr

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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 S.R.No.69201

KR/29/10/18

Cr1.O.P.No.23737 of 2018