

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26981 of 2018

and

CrI.M.P.No.15567 of 2018

T.Ashokan M/55 A/1

S/o.Pakkrisami

... Petitioner

Vs.

1.The Inspector of Police,
Koradachery Police Station
Tiruvarur District.

2.Murugesan
S/o.Pakkrisami

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records of the charge sheet in C.C.No.235/2018 dated on the file of Judicial Magistrate, Tiruvarur and quash the same.

For Petitioner : Mr.J.Nandagopal

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.235 of 2018, pending on the file of the Judicial Magistrate Court, Tiruvarur.

2. It is seen from records that a complaint was given by the second respondent against the petitioner and 7 others and based on the complaint an F.I.R. was registered by the respondent Police in Crime No.283 of 2014 Subsequently, investigation was taken up and final report was also filed before the Court below and the same was taken on file in C.C.No.235/2018 for the alleged offence under section 147,148,294(b), 324 and 506(ii) of IPC.

3. The Petitioner before this Court has been shown as A1. The learned counsel for the petitioner would submit that the

petitioner and the second respondent are brothers and there is a long-standing dispute among the parties and civil suits are also pending. That apart, the learned counsel would submit that various complaints have been given by the wife of the second respondent and also the father and all these false complaints have been given against the petitioner in order to put pressure on the petitioner to compromise the civil suit which is pending in O.S.No.126/2013, on the file of the District Munsif Court Tiruvarur. Therefore, the learned counsel for the petitioner would submit that the complaint itself is attended with mala fides and it is a false complaint.

4. The issues raised by the learned counsel for the petitioner are factual in nature. This Court cannot go into those factual issues since, it is within the realm of appreciation of evidence. Therefore, the petitioner can raise all the grounds before the Court below in the course of trial and the Court below shall consider the same on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings at this stage.

5. The learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner. The presence of the petitioner shall be dispensed with and he shall be represented by a counsel. The petitioner shall be present before the Court at the time of framing of charges and at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment. The counsel representing the petitioner shall cross examine the witnesses on the same day they are examined in Chief. The petitioner shall not dispute the identity of the witnesses.

6. This Criminal Original Petition is disposed of with the direction to the Court below to complete the proceedings in C.C.No.235 of 2018, within four months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rri/rm

To

1.The Judicial Magistrate,
Tiruvavarur.

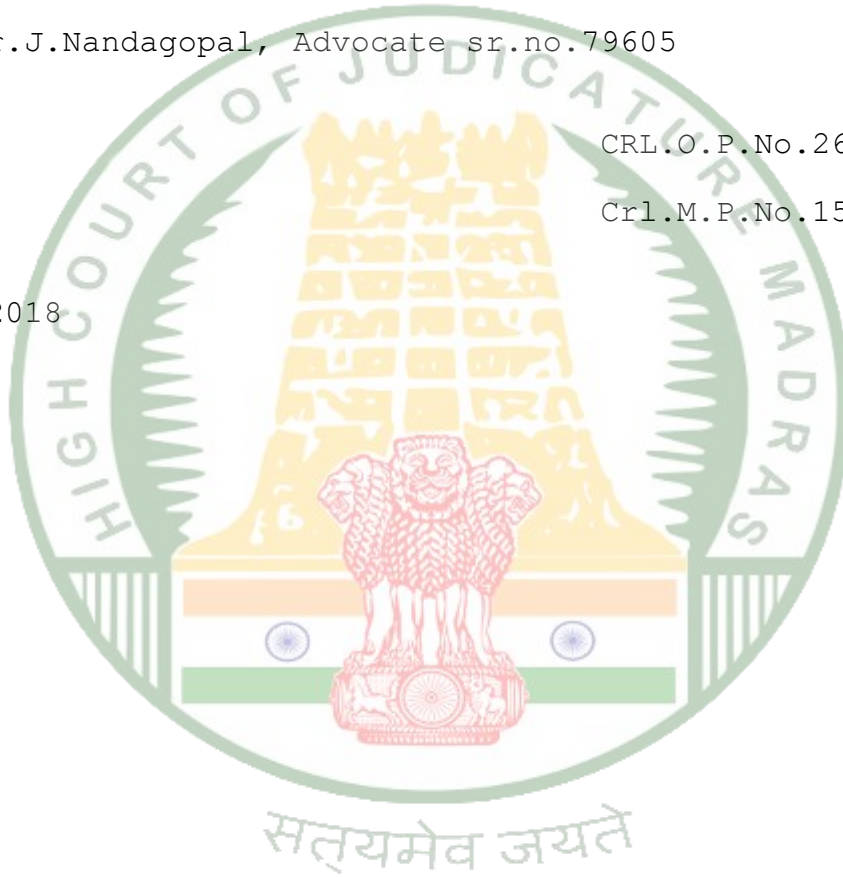
2.The Inspector of Police,
Koradachery Police Station
Tiruvavarur District.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.Nandagopal, Advocate sr.no.79605

CRL.O.P.No.26981 of 2018
and
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