



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.09.2018
CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Cr1.O.P.(MD).No.15292 of 2014
and
M.P(MD).No.1 of 2014

1.R.Sumitha
2.R.Shanmughapriya
3.V.Jeyapal

...Petitioners/A1 to A3

Vs.

1.The Inspector of Police
South Police Station
Thanjavur District
(Cr.No.397/13)

...1st Respondent/Complainant

2.Umamaheswari

...2nd Respondent/Defacto
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in C.C.No.118 of 2014 pending on the file of the Court of the Judicial Magistrate No.I, Thanjavur District and quash the same.

For Petitioners: Mr.R.Sureshkumar
For R1 : Mr.V.Neelakandan
Additional Public Prosecutor
For R2 : Mr.P.Velmurugan

O R D E R

This quash petition is filed to call for the records relating to the charge sheet in C.C.No.118 of 2014 pending on the file of the Court of the Judicial Magistrate No.I, Thanjavur District and quash the same.

2.The learned counsel appearing for the petitioners raised various grounds to quash the case pertaining to C.C.No.118 of 2014 on the file of the Judicial Magistrate No.I, Thanjavur. In support of his contention, he replied upon the Judgement reported in **(2005) 1 Supreme Court Cases 122 (Zandu Pharmaceutical Works Ltd., and others Vs.Mohd.Sharaful Haque and another)** and the Judgment reported in **(2008) 12 Supreme Court Cases 531 (Gorige Pentaiah Vs.State of Andhra Pradesh and others)**, in which, the



Hon'ble Supreme Court held that there is no specific allegation in the F.I.R, therefore it is quashed. The said Judgments are not relevant to this case on hand.

3.It is seen from the records that there is an incriminating material to attract the charges as against the petitioners. Therefore, this Court finds that there is no merit in the petition to quash the case in C.C.No.118 of 2014 pending on the file of the Court of the Judicial Magistrate No.I, Thanjavur District and it cannot be quashed on its threshold. Hence, this criminal original petition is liable to be dismissed.

4.Accordingly, this criminal original petition is dismissed. Consequently, the connected miscellaneous petition is closed. However, considering the year of the case, the learned Judicial Magistrate No.I, Thanjavur is directed to complete the entire trial proceedings within a period of six months from the date of receipt of a copy of this order. The petitioners are at liberty to raise all the grounds before the trial Court. The personal appearance of the petitioners before the trial Court is dispensed with, except the dates of hearing, on which, the learned Judicial Magistrate insisted upon the petitioners to appear before the Court.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate No.I, Thanjavur.

2.The Inspector of Police, South Police Station,
Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.P.VELMURUGAN , ADVOCATE IN SR NO.81200

MSA

BU/NM/RP/SAR-III:13.11.2018 : 2P/5C

**Cr1.O.P. (MD) .No.15292 of 2014
and**

**M.P (MD) .No.1 of 2014
27.09.2018**