



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD) .No.3402 of 2014

and

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

Yesu s Dassan

...Petitioner/Sole Accused

Vs.

1.The Sub Inspector of Police
Cantonment Police Station
Trichy District

...1ST Respondent/Complainant

2.Devanesan

...2ND Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the case C.C.No.13 of 2014 on the file of the learned Judicial Magistrate No.II, Trichirappalli and quash the same.

For Petitioner : Mr.J.Jeyakumaran

For R1 : Mr.S.Chandra Sekar
Additional Public Prosecutor

For R2 : No appearance

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the case C.C.No.13 of 2014 on the file of the learned Judicial Magistrate No.II, Trichirappalli and quash the same.

2.The case of the prosecution is that the defacto complainant is none other than the own brother of the petitioner herein. On 24.12.2013 at about 8.30 a.m, when the defacto complainant went to trichy central bus stand for catching salem bus, at that time,



accidentally he met the petitioner and they quarrelled with each other and the petitioner bite the defacto complainant right hand point finger and caused simple injury. Hence, the charge.

3. Though notice served to the second respondent, there is no representation on behalf of the second respondent.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that due to previous enmity, the petitioner bite the defacto complainant's right hand finger. Based on the complaint, the respondent police registered a case in Crime No.1627 of 2013 for the offence punishable under Section 324 I.P.C as against the petitioner. After completing investigation, the respondent police laid a charge sheet and the same was taken cognizance in C.C.No.13 of 2014 by the learned Judicial Magistrate No.II, Trichirappalli. As against the said proceedings, the present quash petition has been filed by the petitioner.

5. The learned counsel appearing for the petitioner submitted that already there was a civil dispute between the petitioner and the defacto complainant/second respondent in respect of the property. Further, no witness, supported the case of the prosecution. No one was examined to prove the charge as against the petitioner herein. Therefore, he prays for quash the criminal proceedings in C.C.No.13 of 2014 on the file of the Judicial Magistrate No.II, Trichirappalli.

6. It is seen from the documents that the charge as against the petitioner is that, on 24.12.2013 at about 8.30 a.m, when the petitioner and the defacto complainant quarrelled with each other, in which, the petitioner bite the point finger of the defacto complainant. The occurrence took place on 24.12.2013, whereas the complaint has been lodged only on 26.12.2013. There is no explanation for the delay in lodging the complaint. Further, the charge itself is a trivial one. Admittedly, there was a civil dispute between the petitioner and the defacto complainant. More over, they are brothers. There is no evidence to proceed the criminal proceedings further and also there is no material and evidence to connect the petitioner in this criminal proceedings. Therefore, the petitioner need not to go for ordeal trial.

7. Accordingly, this criminal original petition is allowed and the charge against the petitioner in C.C.No.13 of 2014 on the file of the learned Judicial Magistrate No.II, Trichirappalli is quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

/True Copy/



1.The Sub Inspector of Police
Cantonment Police Station
Trichy District

2.The Judicial Magistrate No.II
Trichirappalli

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

1CC TO MR. J. JEYAKUMARAN, ADVCATE SR 84133

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