

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

Crl.OP Nos.10178 and 23317 of 2013

and

MP.Nos.1 & 1 of 2013

1. D.Rajesh
2.Dhanasekaran
3.Srinivasan
4.Mohan .. Petitioners in Crl.OP.No.10178/2013/A4 to A7

1.P.Ashokan
2.C.Paramasivam
3.Pazhaniyandi .. Petitioners in Crl.OP.No.23317/2013/A1 to A3

- Vs -

Soundaraj ... Respondent/Complainant
in both petitions

Common Prayer: Criminal Original Petitions filed under
Section 482 Cr.P.C., to call for the records in C.C.No.116 of
2012 pending on the file of the Judicial Magistrate-IV, Salem,
Salem District respectively, and quash the same.

For Petitioners
in Crl.OP.No.10178/2013 : Mr.E.Kannadasan

For Petitioners
in Crl.OP.No.23317/2013 : Mr.D.Dayalan

For Respondent : Mr.C.Veeraraghavan
(in both petitions)

COMMON ORDER

This Criminal Original Petition has been filed to call
for the records in C.C.No.116 of 2012 pending on the file of
the Judicial Magistrate-IV, Salem, Salem District and quash
the same.

2. The learned counsel for the petitioners would submit that based on the complaint given by the respondent/defacto complainant, the case was registered by the first petitioner in CrI.OP.No.23317 of 2013/A1 and the charge sheet has also been filed in C.C.No.241 of 2010. Subsequently, after completion of trial, the accused entered into acquittal on the ground that the prosecution failed to prove its case beyond reasonable doubts. After the acquittal, the respondent/defacto complainant has filed the private complaint against the accused and also the police officials. The learned Magistrate failed to consider these aspects and has taken cognizance. Further, the defacto complainant filed a petition in CrI.OP.No.27734 of 2012 seeking to transfer of C.C.No.116 of 2012 from the learned Judicial Magistrate, Salem to the Judicial Magistrate Court, Coimbatore. Therefore, the private complaint in CC.No.116 of 2012 may be quashed.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondent and also perused the entire materials available on record.

4. Admittedly, based on the complaint given by the respondent, the case was registered against the petitioners/accused for the offences under Sections 170 & 392 of IPC and subsequently, the charge sheet in C.C.No.241 of 2010 has also been filed. After trial, the accused also entered into acquittal by judgment dated 09.03.2011. The defacto complainant filed a private complaint against the accused and also the police officials and the learned Judicial Magistrate-IV, Salem taken cognizance of the complaint in C.C.No.116 of 2012.

5. On a perusal of the complaint in CC.No.116 of 2012, it is seen that the second respondent therein narrated the entire events and the police officials/A1 to A3 colluded with the petitioners herein in CrI.OP.No.10178 of 2013 and projected the case without proper investigation and producing proper evidence.

6. This Court is of the view that this is not the fit case to invoke Section 482 Cr.P.C.

7. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KMI
To

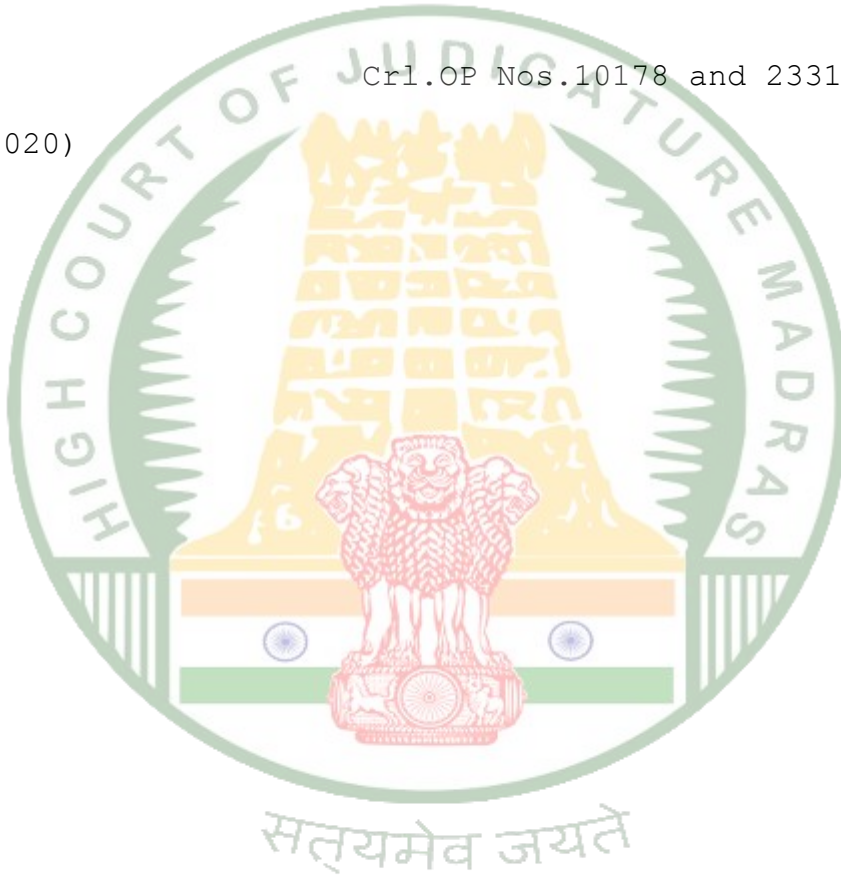
1.The Judicial Magistrate-IV,
Salem, Salem District.

2.The Chief Judicial Magistrate,
Salem.

+2cc to Mr.E.Kannadasan, Advocate SR.103319, 103321
+1cc to Mr.C.Veeraraghavan, Advocate SR.103196.

Crl.OP Nos.10178 and 23317 of 2013

SSI (CO)
CB(27/01/2020)



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