

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.2460 of 2011

1.C.Panneerselvam
2.Manickam
3.Chellammal
4.Palaniammal
5.Selvi

... Petitioners

Vs.

1. State by Inspector of Police
Mangalamedu Police Station
Perambalur District
(Crime No.588 of 2008)

2.Ganesan
S/o.Manickam
Keela Kudikadu Village
Kunnam Taluk
Perambalur District
(Impleaded the 2nd respondent as per
the order of this Court dt.15.02.2011
in M.P.No.3 of 2011)

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.181 of 2009 on the file of the learned Judicial Magistrate, Perambalur, Perambalur District and quash the proceedings pending as against them.

For Petitioners : Mr.John Kennedy

For Respondents : Mr.C.Iyyapparaj, APP for R1

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.181 of 2009 on the file of the learned Judicial Magistrate, Perambalur, Perambalur District and quash the proceedings pending as against them.

2.The learned counsel for the petitioners submitted that the 1st petitioner is the brother in law of the defacto complainant, the 2nd petitioner is the father, the 3rd petitioner is the sister, the 4th petitioner is the mother and the 5th petitioner is

the wife of the defacto complainant. The defacto complainant is having illegal intimacy with other lady and there is also civil dispute pending, for which, the petitioners have allegedly said to have attacked the defacto complaint, resulting in filing of the complaint before the respondent police. The law enforcing agency have registered a case and after investigation filed a charge sheet implicating all the family members. Challenging the said charge sheet, the present petition has been preferred.

3.The learned counsel for the petitioners submit that the dispute between the petitioners and the defacto complainant is purely a dispute in between the family members and no ingredients or materials available on records to implicate the family members i.e. petitioners herein in this case. Accordingly, prays for appropriate orders.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor. Perused the materials available on record.

5.Even on a bare perusal of the records, it is seen that all the family members of the defacto complainant are implicated in this case as accused persons. The defacto complainant in order to promote his illegal intimacy with other lady filed a complaint against the family members. The law enforcing agency is also filed charge sheet but no materials are available on record to implicate the said offence.

6.The Law Enforcing Agency recorded the evidence of one Rajendran, who is the neighbour of the defacto complainant, in which, he has stated that there was a wordy quarrel in between the father of the defacto complainant and the defacto complainant, thereby the father attacked the defacto complainant and the defacto complainant was admitted in a hospital for treatment. Further one Krishnaraj was also examined and he repeated the version of Rajendran. All the other four evidences also repeated the same statement of the said Rajendran. The Medical Practitioner was also examined wherein he had stated that there were simple Lacerating injuries but he has not stated that the injuries occurred due to the attack.

7.Considering the facts and circumstances of the case, and also considering the relationship of the petitioners with the defacto complainant, who are the brother in law, father, mother, sister and wife of the defacto complainant, allowing to proceed with the trial in C.C.No.181 of 2009 on the file of the learned Judicial Magistrate, Perambalur, Perambalur District, will create unnecessary dispute in the family itself and further the

defacto complainant's name is printed in the list but none represented on his behalf to defend the case and no prima facie has been made out. Hence, this court has no hesitation to quash the calendar case in C.C.No.181 of 2009 on the file of the learned Judicial Magistrate, Perambalur, Perambalaur District.

8.In this result this petition is allowed. The records in C.C.No.181 of 2009 on the file of the learned Judicial Magistrate, Perambalur, Perambalaur District is hereby quashed. Consequently, the connected miscellaneous petitions if any are closed.

Sd/-

Assistant Registrar(JJ Act)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate
Perambalur, Perambalaur District

2.The Inspector of Police
Mangalamedu Police Station
Perambalur District

3.The Public Prosecutor
High Court of Madras

4.The Section Officer
Criminal Section, High Court of Madras

+1cc to Mr.M.John Kennedy, Advocate Sr.No.104105

AKM/10.02.2020 /3P-6C/

सत्यमेव जयते

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