

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25891 of 2013 and
Crl.M.P.Nos.1 & 2 of 2013

1.R.Vikram
2.S.Mohammed Nainar
3.I.Jamal
4.M.Shahul Hameed
5.K.Shahul

... Petitioners

Versus

1.The State,
Rep by its Inspector of Police,
S-15, Selaiyur Police Station,
Chennai-53.

2.S.Umar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet in C.C.No.867 of 2012 on the file learned Judicial Magistrate, Tambaram and quash the same in respect of the petitioners.

For Petitioner : Mr.P.Vijendran

For R1 : Mr.B.Arul Mozhi Maran
Government Advocate [Crl. Side]

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in respect of the petitioners in C.C.No.867 of 2012 on the file of the Judicial Magistrate Court, Tambaram.

2.Case of the defacto complainant is that on 11.08.2012 at about 11.30 p.m after attending prayer he had come out from the mosque, at that time the petitioners along with the other accused scolded the defacto complainant by using abusive words and threatened him with dire consequences. Hence, the 2nd respondent had preferred a complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.1892 of 2012 for the offences under Sections 147, 341, 324, 506(ii) of IPC, as against the petitioners and filed charge sheet in C.C.No.867 of 2012 before the Judicial Magistrate, Tambaram. Hence he prayed to quash the same.

4.The learned Government Advocate [Crl. Side] would submit that there are specific allegations as against the petitioners to attract the offence under Section 147, 341, 324, 506(ii) of IPC. He further submitted that there are eight witnesses in this case and all the points raised by the petitioners have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

5.It is seen from the charge there are specific averments to attract the offences as against the petitioners. Further it is also seen that there are materials to connect the petitioner to the offences. More over all the points raised by the petitioners have to be considered only during the trial. The petitioners at liberty to raise all the points before the Court below during the trial.

6.In view of the above, this Court is not inclined to quash the proceedings in C.C.No.867 of 2012. However, considering the case is of the year 2012, the trial Court is directed to complete the trial proceedings within a period of three months from the date of receipt of copy of this Order.

7.With the above directions, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vv2

To

1.The Judicial Magistrate,
Tambaram.

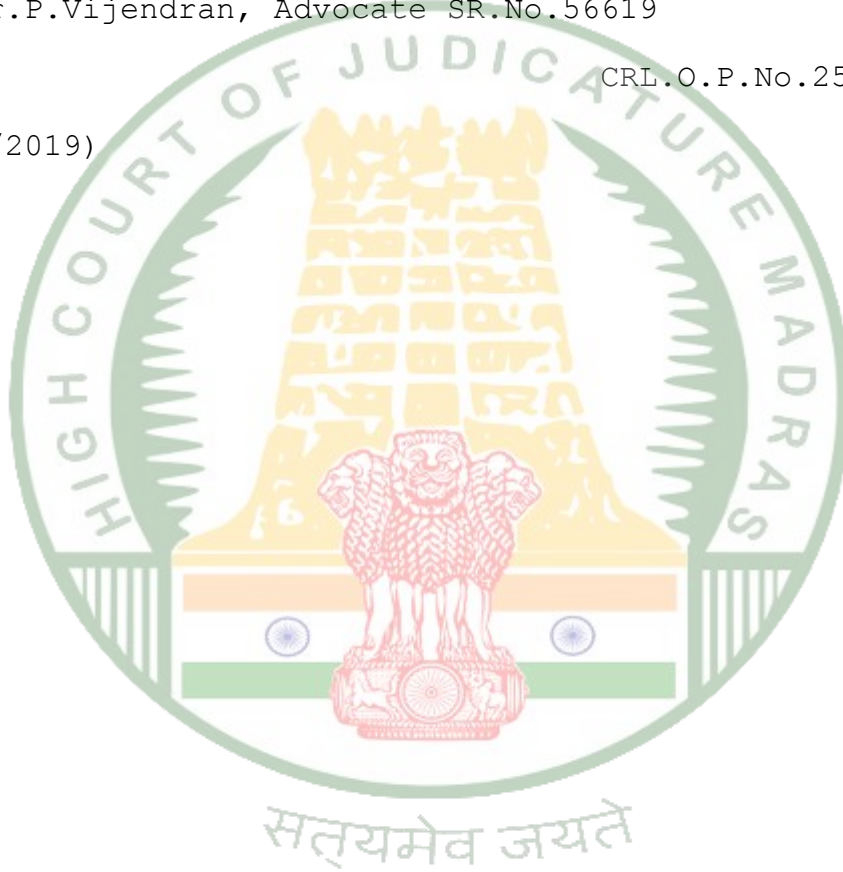
2.The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai-53.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Vijendran, Advocate SR.No.56619

CRL.O.P.No.25891 of 2013

GMV (19/08/2019)



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