

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

CrI.OP No.768 of 2013

and

MP.No.1 of 2013

P.Pandian .. Petitioner

- Vs -

S.Raja ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.90 of 2010 pending on the file of the learned Judicial Magistrate, Tirukoilur and quash the same.

For Petitioner : Mr.S.Senthil Murugan

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.90 of 2010 pending on the file of the learned Judicial Magistrate, Tirukoilur and quash the same.

2. None appeared on behalf of the respondent. Heard the learned counsel for the petitioner and perused the entire materials available on record.

3. The learned counsel for the petitioner would submit that the respondent herein filed a private complaint against the petitioner and 3 others. Though this petitioner has been shown as first accused in the cause title, he has been shown as second accused in the averments. The occurrence took place in the year 2006, whereas, the complaint has been preferred in the year 2010 i.e., after four years. There is no allegation against the present petitioner and hence, he prayed for quashing the proceedings against the petitioner.

4. On going through the averments made in the complaint, it is seen that the petitioner has been shown as A1 in the cause title, whereas, he has been shown as A2 in the averments. A perusal of the entire records reveals that there is prima facie allegation against this petitioner also. The complaint has been filed by the respondent against the

petitioner and 3 others for the offences under Sections 363, 365, 384, 417, 423, 447, 506(ii) and 511 of IPC. The complaint has been filed within the time limit. Therefore, the contention raised by the learned counsel for the petitioner is not acceptable.

5. This Court is of the view that this is not the fit case to invoke Section 482 Cr.P.C. Accordingly, this Criminal Original petition is dismissed. The petitioner is at liberty to take all his defence before the Trial Court during trial. Consequently, connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

KMI

To

1. The Judicial Magistrate,  
Tirukoilur,  
Villupuram District.

+1cc to Mr.SNA.Hussainy, Advocate SR.No.105255

Crl.OP No.768 of 2013

PM(CO)  
GMY (27/01/2020)

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