

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3691 of 2019
and Crl.M.P.No.2303 of 2019

1.Kumar
2.Krishnamurthy
3.Venkatesan
4.Ramasamy
5.Ruthirapathi ... Petitioners/Accused 1 to 4,8

Vs.

1.State; represented by,
The Inspector of Police,
Mangalambad Police Station,
Cuddalore District. ...1st Respondent/Complainant
2.Narayanasamy ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in P.R.C.No.14 of 2017 on the file of the learned Judicial Magistrate-II, Virudhachalam and quash the same as against the petitioner herein and allow the above Criminal Original Petition.

For Petitioners : Mr.C.Santhosh Kumar
For M/s.AL.Ganthimathi

For Respondents
For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.
For R2 : Mr.G.Anabaya Chozhen

O R D E R

This Criminal Original Petition has been filed by the petitioners seeking to quash the charge sheet in P.R.C.No.14 of 2017 on the file of the learned Judicial Magistrate-II, Virudhachalam.

2. The first respondent/police has registered a case FIR in Crime No.301 of 2016 against the petitioners and others for the alleged offences under Sections 147, 148, 448, 294(b), 379, 506(i) and under Section 3 of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992.

3. The learned counsel appearing for the petitioner 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 FIR in Crime No.301 of 2016 for the offences under Sections 147, 148, 448, 294(b), 379, 506(i) IPC, as against the petitioners and others filed a charge sheet in P.R.C.No.14 of 2017 before the learned Judicial Magistrate-II, Virudhachalam. Hence he prayed to quash the same.

4. The learned Additional Public Prosecutor would submit that there are specific allegations as against the petitioners to attract the offences under Sections 147, 148, 448, 294(b), 379, 506(ii) read with section 3 of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992. He further submitted that there are no 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. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the first respondent and the learned counsel for the second respondent and perused the materials available on record.

6. It is seen from the charge sheet there are specific avernments to attract the offences as against the petitioners and others under Sections 147, 148, 448, 294(b), 379, 506(ii) read with section 3 of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992. Further, it is also seen that there are materials to connect the petitioners to the offences. More over all the points raised by the petitioners have to be considered only during the trial.

7. In view of the above discussion, this Court is not inclined to quash the charge sheet in P.R.C.No.14 of 2017 on the file of the learned Judicial Magistrate-II, Virudhachalam. However, considering the case is of the year 2016, the trial Court is directed to complete the trial proceedings within a period of two weeks from the date of receipt of a copy of this Order.

8. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CJ Conf)

//True copy//

Sub Assistant Registrar

msm

To

1. The Judicial Magistrate No.II Virudachalam.
 2. -do-Through' The chief Judicial Magistrate, Cuddalore.
 3. The Inspector of Police,
Mangalambad Police Station,
Cuddalore District.
 4. The Public Prosecutor,
High Court, Chennai.
- +1cc to M/s.AL.Ganthimathi, Advocate SR.No.38299

Crl.O.P.No.3691 of 2019
and Crl.M.P.No.2303 of 2019

SVI (CO)
GMY (24/05/2019)

सत्यमेव जयते

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