

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.28930 of 2015
and Crl.M.P.Nos.1 & 2 of 2015

1.Kalaiselvi
2.Srinivasan
3.Vasantha

... Petitioners

Vs.

Krishnamoorthy

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the complaint filed by the respondent in STC No.122 of 2015 on the file of the Learned Judicial Magistrate, Tirukoilur and to quash the same.

For Petitioners: Mr.V.S.Sivasundaram

For Respondent : Mr.K.Venkateswaran

ORDER

This petition has been filed to call for the records relating to the complaint filed by the respondent in STC No.122 of 2015 on the file of the Learned Judicial Magistrate, Tirukoilur.

2. Mr.V.S.Sivasundaram, the learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that the respondent and his family members had filed successive case against the petitioners before the civil and criminal forum, which shows the attitude and intention of the respondent is only to harass the petitioners. He further submits that the complaint is only to counter blast complaint to the C.C.No.1648 of 2018 and Crl.O.P.No.4601 of 2014 filed by the first petitioner against the respondent family members. He further submits that the first petitioner had written a defamatory statement against the respondent through the petition dated 21.07.2014, 19.01.2015 and 17.02.2015 addressed to the

learned Judicial Magistrate, Tirukoilur. On the other hand all the said petitions sent by the first petitioner to the learned Judicial Magistrate were to request to dispense with the personal appearance of the 1st petitioner and other witnesses for giving evidence till the disposal of the case in Crl.O.P.No.4601 of 2014 pending before this Court.

3. Mr.K.Venkateswaran, the learned counsel for the respondent would submit that all the points raised by the petitioners can be considered only during the trial. Therefore he vehemently opposed to quashment of the proceedings in STC No.122 of 2015 on the file of the Learned Judicial Magistrate, Tirukoilur.

4. Heard Mr.V.S.Sivasundaram, the learned counsel for the petitioners and Mr.K.Venkateswaran, the learned counsel for the respondent.

5. It is seen from the complaint that there is no specific words as uttered by the petitioners. It is also seen from the records, the respondent being an advocate filed this complaint on previous enmity. Even the offence has been taken cognizance by the learned trial court under Sections 294(b), 506(i) I.P.C. No averments or allegation made as against the petitioners to attract the offences under Sections 294(b), 506(i) I.P.C. That apart, the second petitioner on the date of occurrence namely, 06.03.2014, he visited the High Court for the case and he was issued pass. Therefore it is also impossible to reach on the same day to the place of occurrence as alleged and the occurrence ought not to have taken place. Further the entire allegations are trivial in nature and the defacto complainant as well as the petitioners are close relatives. Therefore, the petitioners need not undergo trial since there is no chance for getting any conviction on the complaint.

6. Accordingly, the proceedings in STC No.122 of 2015 on the file of the Learned Judicial Magistrate, Tirukoilur is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

pds/lok

To

The Judicial Magistrate,
Tirukoilur.

+1cc to Mr.V.S.Sivasundaram, Advocate, S.R.No.16176
+1cc to Mr.K.Venkateswaran, Advocate, S.R.No.15742

Crl.O.P.No.28930 of 2015
and Crl.M.P.Nos.1 & 2 of 2015

ARJ (CO)

RRS (02/04/2019)



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