

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2019

Coram::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.4542 of 2014
& M.P.Nos.1 & 2 of 2014

1. Baskaran,
S/o.Vairakannu,
No.14, Thaikkal Street,
Neravy, Karaikkal.
2. Parimala,
W/o.Baskaran,
No.14, Thaikkal Street,
Neravy, Karaikkal. Petitioners/Accused

/versus/

The State
Rep by Sub-Inspector of Police,
Neravy Police Station,
Neravy, Karaikkal.
(Crime No.89 of 2010) Respondent/Complainant

Prayer:- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.344 of 2011 dated 27.01.2011 pending on the file of the Judicial Magistrate-II, Karaikkal and quash the same.

For Petitioner : Mr.M.Naveen
for Mr.A.Nagarathinam

For Respondent : Mr.Balamurugane
Additional Public Prosecutor (Pondy)

O R D E R

Mr.Naveen, learned counsel representing for the petitioner.

2. This Criminal Original Petition is filed under Section 482 of Cr.P.C to quash C.C.No.344 of 2011 pending before the Judicial Magistrate No.II, Karaikkal.

3. Based on the complaint given by one Anandakumar before the Judicial Magistrate No.II, Karaikkal under Section 156(3) of Cr.P.C. The respondent police has registered the complaint and taken up the investigation. On completion of investigation, final report has been filed before the Judicial Magistrate No.II, Karaikkal.

4. In this Petition, the petitioners who are arrayed as A2 and A3 contend that there is no material collected during the course of investigation to try them under Section 505(2) of I.P.C r/w 34 of I.P.C, Hence, the case has to be quashed. However, from the statement of witnesses recorded during the course of investigation which has been enclosed along with the final report reveals that prima facie material to try the accused are the said offence. In fact, the learned Judicial Magistrate has taken up the final report on file and assigned the Calender Case No.344 of 2011.

5. Referring the counter case and other proceedings pending before the trial Court, the accused/petitioners cannot stale the criminal proceedings. The final report and the material collected during the course of investigated reveals ingredients to try the accused persons for offence under Section 505(2) of I.P.C. Therefore, this Court finds no material to entertain this Criminal Original Petition, hence to be quashed.

6. In the result, the Criminal Original Petition is dismissed. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

bsm

To,

1. The Learned Judicial Magistrate-II, Karaikkal.
2. The Principal Chief Judge, Pondicherry.
3. The Sub-Inspector of Police, Neravy Police Station, Neravy, Karaikkal.
4. The Additional Public Prosecutor (Pondy), High Court, Madras.

+1cc to Mr.A.Nagarathinam, Advocate SR.No.17401

+1cc to Public Prosecutor (Pondy) Pleader SR.No.18020

Crl.O.P.No.4542 of 2014
& M.P.Nos.1 & 2 of 2014

RV (CO)
GMY (28/03/2019)



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