

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.4595 of 2014
and M.P.No.1 of 2014

1.Ravikumar,
2.Saravanan,
3.Sreenivasan,
4.Dhandapani

... Petitioners/Accused

Vs.

1.The Sub-Inspector of Police,
C2, Elephant Gate Police Station,
Law and Order,
Chennai-600 079.

...R-1/Complainant

2.Tmt.Kalaivani

...R-2/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for records relating to the impugned charge sheet in C.C.No.2623 of 2013 pending on the file of the 8th Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioner : Mr.K.Raja

For Respondent : No appearance for R2
Mr.M.Mohamed Riyaz for R1
Addl. Public Prosecutor

ORDER

This Criminal Original petition has been filed to quash the proceedings in C.C.No.2623 of 2013, pending on the file of the 8th Metropolitan Magistrate Court, George Town, Chennai.

2. The learned counsel for the petitioners submitted that the petitioners are arrayed as A1 to A4 and the defacto complainant is none other than their own daughter-in-law. The victim is one of the son of 4th petitioner's father. There are

civil suits pending between the family members in respect of the property. With regard to the same, on the date of alleged occurrence, the petitioners attacked the husband of the second respondent and had caused injuries. He further pointed out from the statement recorded under Section 161 Cr.P.C of the second respondent as well as the victim, wherein it is stated that, at the time of occurrence in an agitated mood, she lodged a complaint as if the petitioners have attacked the victim with deadly weapons. But, thereafter she stated that they are attacked by only with hands and leg. The husband of the second respondent also not sustained any injuries. Further, it is submitted that the disputed property was shared equally between them. Now, the entire matter has been settled between the parties and they are living separately. Therefore, he sought to quash the entire proceedings in C.C.No.2623 of 2013, pending before the VIII Metropolitan Magistrate, George Town, Chennai.

3. Though notice was served on the respondent, none appeared on behalf of the respondent either in person or through counsel.

4. The learned Additional Public Prosecutor submitted that this case is pending from the year 2013 for trial.

5. Heard Mr.K.Raja, the learned Counsel for the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor for the 1st respondent.

6. The petitioners herein were arrayed as A1 to A4. The charges framed as against the petitioner under sections 294-b, 341, 323 and 506(i) IPC r/w 34 IPC. It is seen from the charge sheet, there is absolutely no allegation to attract the charges as alleged by the prosecution. That apart, it is seen from the statement recorded under Section 161 Cr.P.C. from the second respondent as well as victim, they categorically submitted that the petitioners and the victim quarreled with regard to a property dispute and civil suits were also pending between them. Now, the property was sold out and the sale proceedings were shared equally by the petitioners as well as the defacto complainant's family and they were also living separately without any further issues.

7. Under such circumstances, the petitioners need not undergo the ordeal of trial, since the charges itself are trivial in nature and there is no chance for getting conviction on the basis of material as well as oral evidence. Therefore, this Court is inclined to quash the entire proceedings.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.2623 of 2013 on the file

of the learned VIII Metropolitan Magistrate, George Town, Chennai, is hereby quashed.

rm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sub-Inspector of Police,
C-2, Elephant Gate Police Station,
Law & Order, Chennai -79.
2. The VIII Metropolitan Magistrate Court,
George Town, Chennai.
3. The Chief Metropolitan Magistrate,
Egmore, Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Raja, Advocate, SR.No.15648

CRL.O.P.No.4595 of 2014

Kak (29/03/2019)

सत्यमेव जयते
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