

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2128 of 2014
and M.P.Nos.1 and 2 of 2014

1.S.P.Krishna Kumar
2.Radhika
3.Kosala Raman
4.Rajeshwari

... Petitioners/Accused No.1 to 4

Vs.

1. State by:

The Inspector of Police,
R-2, Kodambakkam Police Station,
Law and Order,
Kodambakkam,
Chennai-24.

...1st Respondent/Complainant

2. Tamizharasi

...2nd Respondent/Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.685 of 2013 on the file of XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : Mr.A.Subramani Ravichandran

For Respondents

For R1

: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

For R2

: No appearance

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O R D E R

This Criminal Original Petition has been filed by the petitioners to quash the proceedings in C.C.No.685 of 2013 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai, having been taken cognizance for the offences punishable under Sections 341, 323 read with section 34 of IPC.

2. 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 in Crime No.2760 of 2012 for the offences under Sections 341, 323, read with section 34 of IPC, as against the petitioners and filed charge sheet in C.C.No.685 of 2013 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that there are specific allegations as against the petitioners to attract the offence under Sections 341, 323, read with section 34 of IPC. He further submitted that there are only two 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 the above quash petition.

4. Heard Mr.A.Subramani Ravichandran, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent and perused the materials available on record.

5. It is seen from the charge sheet that there are specific averments and allegations to attract the offences as against the petitioners. Now, on going through the judgment rendered in the case of National Investigation Agency v. Zahoor Ahmad Shah Watali reported in 2019 SCC OnLine SC 461 in CrI.A.No.578 of 2019, dated 02.04.2019, the contents of the statement recorded under section 161 CrPC., cannot be considered. Further, it is also seen that there are substantial materials with regard to the offences. Moreover, all the points raised by the petitioners have to be considered only during the course of the trial. The petitioners are at liberty to raise all the points before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, during the course of the Trial.

6. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.685 of 2013. However, considering the fact that the case is of the year 2013, the Trial Court is directed to complete the trial proceedings within a period of three months from the date of receipt of a copy of this Order.

7. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. XVII Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Inspector of Police,
R-2, Kodambakkam Police Station,
Law & order, Kodambakkam.
3. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.A.Subramani, Advocate Sr.33212
+1cc to Mr.Govinda Rajan, Advocate Sr.33862

Cr1.O.P.No.2128 of 2014

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srg 28/06/2019

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