

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM:

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

Cr1.O.P.No.2433 of 2014 and
M.P.No.1 of 2014

1.P.Kulanthaivel
2.K.Saravanan

... Petitioners

Vs.

1. The Deputy Superintendent of Police,
Namakkal Sub Division,
Namakkal Taluk.
2. The Inspector of Police,
Pudhuchathiram Police Station,
Namakkal District - 637 018.
3. The Special Sub-Inspector of Police,
Pudhuchathiram Police Station,
Namakkal District - 637 018.
4. T.Nagarathinam

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the entire records connected with the case in PRC.No.5/2013 on the file of the Judicial Magistrate - II, Namakkal District and quash the same.

For Petitioner : Mr.A.Ramesh Manikandan

For Respondents

for R1-3 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

R4 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in PRC.No.5/2013 on the file of the learned Judicial Magistrate - II, Namakkal District, thereby taken cognizance for the offences punishable under Sections 427, 506(i) r/w Section 3 (2) (x) of SC&ST Act.

2. The learned Counsel appearing for the petitioners 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.87 of 2013 for the offences under Sections Sections 427, 506 (i) r/w Section 3(2)(x) of SC&ST Act, as against the petitioners and filed charge sheet in P.R.C.No.5 of 2013 before the learned Judicial Magistrate - II, Namakkal District. 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 427, 506(i) r/w Section 3 (2)(x) of SC&ST Act. He further submitted that in view of the interim stay granted in this petition, the committal proceedings are still pending. Therefore, he prayed to dismiss this petition.

4. Heard Mr.A.Ramesh Manikandan, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 1-3.

5. It is seen from the charge there are specific avernments to attract the offences as against the petitioners. 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. The petitioners at liberty to raise all the points before the Court below during the trial.

6. In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No.5 of 2013. However, considering the case is of the year 2013, the trial Court is directed to complete the trial proceedings within a period of six months from the date of receipt of copy of this Order.

7. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

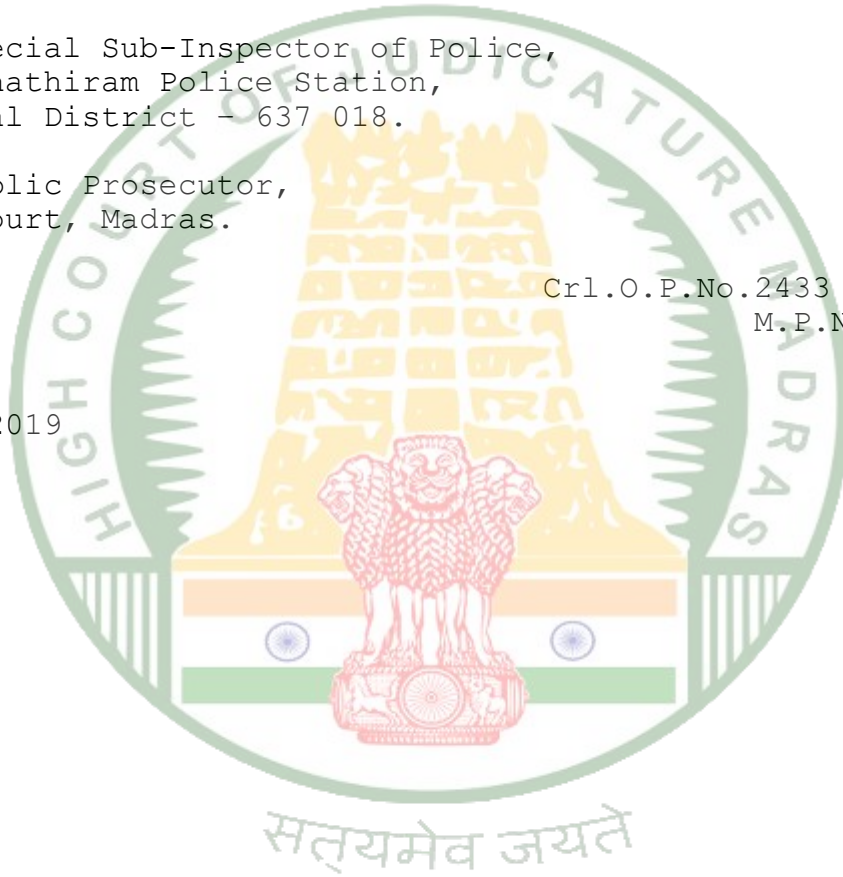
rts

To

1. Judicial Magistrate Court II,
Namakkal District.
2. The Deputy Superintendent of Police,
Namakkal Sub Division,
Namakkal Taluk.
3. The Inspector of Police,
Pudhuchathiram Police Station,
Namakkal District - 637 018.
4. The Special Sub-Inspector of Police,
Pudhuchathiram Police Station,
Namakkal District - 637 018.
5. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.2433 of 2014 and
M.P.No.1 of 2014

PM(CO)
CS/02/04/2019



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