

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.16321 of 2014
and M.P.No.1 of 2014

1. Vijayan
2. Murugan
3. Rathi

...Petitioners

Vs.

1. The Station Rep by
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Crime No.619 of 2013)

2. Suresh

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the case in C.C.No.25 of 2014 on the file of the learned Judicial Magistrate No.2, Sankari and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manokaran

For Respondents

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : Mr.C.Prabakaran

ORDER

This petition has been filed to quash the proceedings in C.C.No.25 of 2014 on the file of the learned Judicial Magistrate No.2, Sankari, thereby taken cognizance for the offences punishable under Sections 294 (b), 323, 326 and 506(ii) of IPC.

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.619 of 2013 for the offences under Sections 294(b), 323, 326 and 506(ii) of IPC, as against the petitioners and filed charge sheet in C.C.No.25 of 2014 before the learned Judicial Magistrate No.2, Sankari. He further submitted that for the same incident, the petitioners lodged two complaints in Crime No.620 of 2013 and 641 of 2013 before the same first

respondent police, as against the second respondent/defacto complainant. Therefore 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 294(b), 323, 326 and 506(ii) of IPC. He further submitted that as far as the complaints in Crime Nos.620 and 641 of 2013 are concerned, as per the PSO 588A, the first respondent conducted enquiry and the same were closed as "Mistake of Facts". Therefore, he prayed to dismiss this petition.

4. The learned counsel appearing for the second respondent concedes with the submission made by the learned Additional Public Prosecutor.

5. Heard Mr.N.Manokaran, learned counsel appearing for the petitioners Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent and Mr.C.Prabakarn, learned counsel appearing for the second respondent.

6. 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 petitioner 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 C.C.No.25 of 2014. However, considering the case is of the year 2014, the trial Court is directed to complete the trial proceedings within a period of three 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.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rts

To

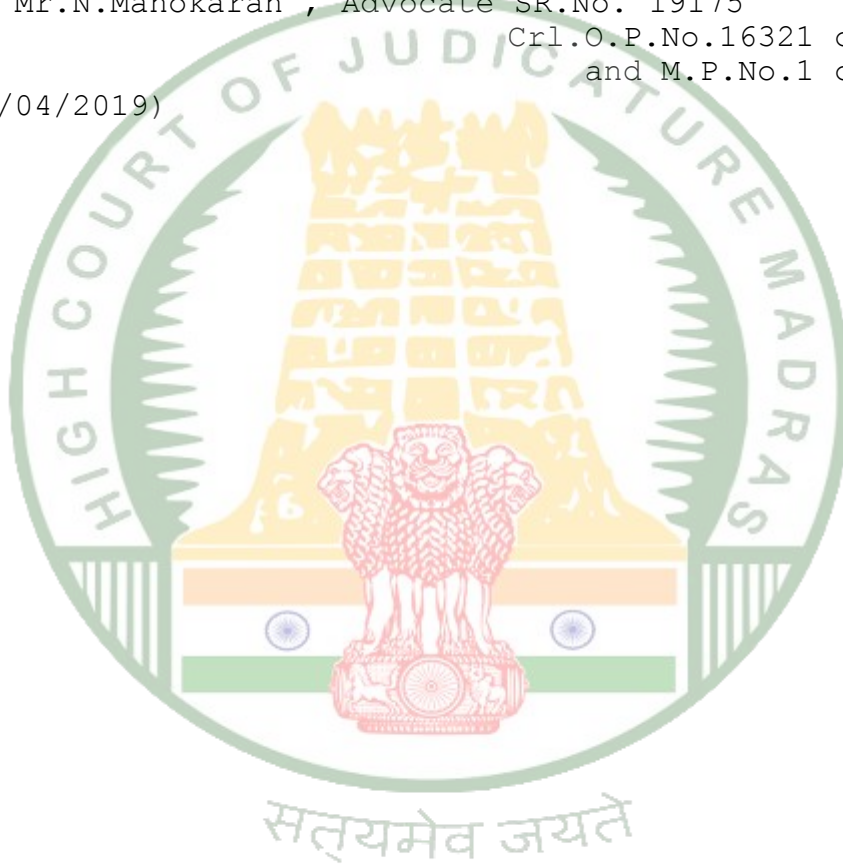
1. The Judicial Magistrate Court No.2,
Sankari
2. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Manokaran , Advocate SR.No. 19175

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A.SK(12/04/2019)



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