

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.02.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. No.17380 of 2014
and
Crl.M.P. No. 1 of 2014

1.R.Padmanabhan
2.Ambika
3.Ramachandran

... Petitioners

Vs.

1.State Rep by
The Inspector of Police
Vikravandi Police Station
Villupuram District.

2.B.Ganesan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in S.C. No.359 of 2013 pending for trial on the file of the Principal Assistant Sessions Judge, Villupuram and quash the charge sheet.

For Petitioners : Mr.S.Silambu Selvan

For Respondents : Mr.M.Mohamed Riyaz [For R1]
Additional Public Prosecutor
Mr.V.R.Venkatesan [For R2]

ORDER

This Criminal Original Petition has been filed to call for the records in S.C. No.359 of 2013 pending for trial on the file of the Principal Assistant Sessions Judge, Villupuram and quash the charge sheet.

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.168 of 2012 for the offences under Sections 306 and 498(a) IPC, as against the petitioners and filed charge sheet, which was committed to S.C.No.359 of 2013 before the Principal Assistant Sessions Judge, Villupuram. 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 306 and 498(a) IPC. He further submitted that there are 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 this petition.

4. Heard Mr.S.Silambu Selvan, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent.

5. It is seen from the charge there are specific averments 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 S.C.No.359 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 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 IV)

//True Copy//

Sub Assistant Registrar

pds/lok

To

1.The Inspector of Police
Vikravandi Police Station
Villupuram District.

2.The Principal Assistant Sessions Judge,
Villupuram

3.The Public Prosecutor,
High Court of Madras

+1cc to Mr.S.Silambu Selvan, Advocate, S.R.No.19891.

+1cc to Mr.V.R.Venkatesan, Advocate, S.R.No.19887

Cr1.O.P. No. 17380 of 2014

PA(CO)

RRS(02/05/2019)