

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.18137 of 2014
and M.P.No.1 of 2014

1.Rajanna

2.Srinivas @ Babu

3.Nagaraj @ Maha Nagaraj
(Crime No.251 of 2012) ... Petitioners
Vs.

1.State
Rep. by the Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

2.M.Ramesh ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in P.R.C.No.9 of 2014 on the file of the Judicial Magistrate No.I, Hosur and Quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.R.Jayaprakash

For RR1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For RR2 : Mr.R.Ezhilarasan

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the case in P.R.C.No.9 of 2014 on the file of the Judicial Magistrate No.I, Hosur and quash the same.

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.251 of 2012 for the offences under Sections 447, 294 (b) read with 34 of IPC and Section 3 (1) of PPD Act, as against the

petitioners and filed charge sheet in P.R.C.No.9 of 2014 before the learned Judicial Magistrate-I, Krishnagiri. 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 447, 294 (b) read with 34 of IPC and Section 3 (1) of PPD Act. He further submitted that 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.R.Jayaprakash, learned counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the first respondent and Mr.R.Ezhilarasan, learned counsel for the second 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.

6. In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No.9 of 2014 since all the points raised by the petitioners are question of facts and cannot be decided in this petition. However, the petitioner is at liberty to raise all the grounds raised in this petition before the trial court. Considering the case is of the year 2014, the learned Judicial Magistrate-I, Krishnagiri is directed to complete the trial proceedings within a period of six months from the date of receipt of this Order. Considering the age of the petitioners, the personal appearance of the petitioners is dispensed with and they shall be represented by a counsel after filing appropriate application. The petitioners shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment.

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

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

2.The Judicial Magistrate No.I, Hosur

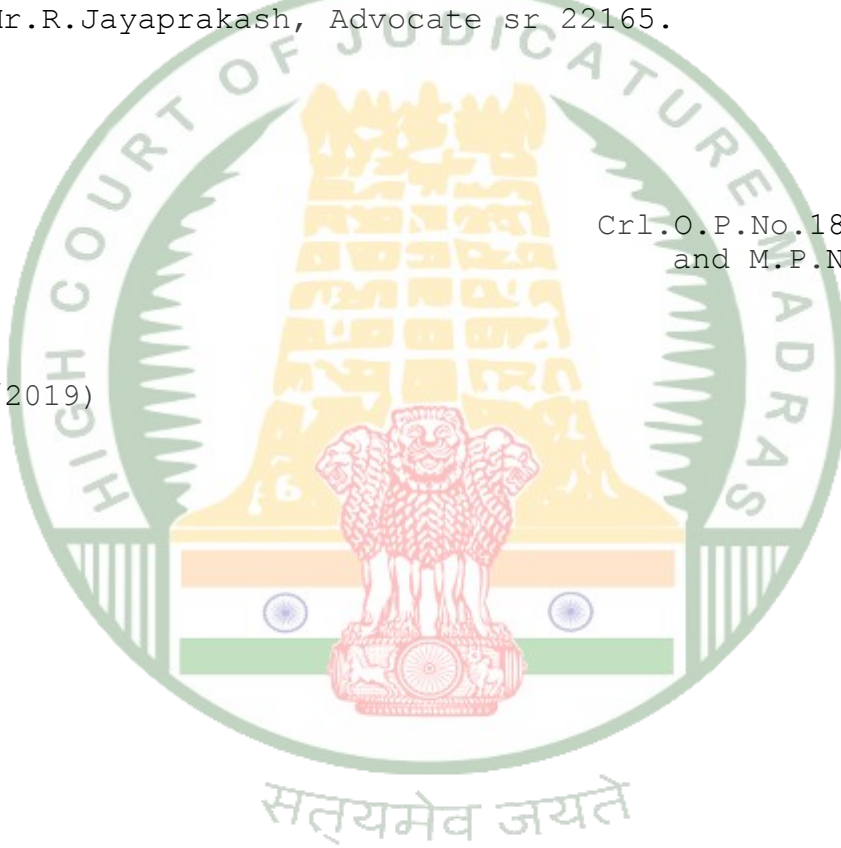
3.The Public Prosecutor
High Court of Madras.

+1 CC to Mr.S.Dhanasekaran, Advocate sr 22026.

+1 CC to Mr.R.Jayaprakash, Advocate sr 22165.

Crl.O.P.No.18137 of 2014
and M.P.No.1 of 2014

VSNII (CO)
SP (29/05/2019)



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