

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.16774 of 2017
and CrI.M.P.Nos.10302 & 10303 of 2017

Mrs.Mohana

... Petitioner

Vs.

1. State rep. by
Inspector of Police,
Pernambut Police Station,
Vellore District
(Crime No.39/2014)

2.K.Mohan

3.Mr.Prabhu

4.Mr.Thennarasan

5.Mr.Kamalanathan

6.Mr.Gunalan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to C.C.No.138 of 2017 in Crime No.39 of 2014, pending on the file of the Hon'ble Judicial Magistrate Court at Gudiyattam and to quash the same.

For Petitioner : Mr.L.Ramu

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

For RR2 : Mr.S.N.Arun Kumar

For RR3 to R6 : Mr.B.Meganathan

ORDER

This petition has been filed to call for the records pertaining to C.C.No.138 of 2017 in Crime No.39 of 2014, pending on the file of the Hon'ble Judicial Magistrate Court at Gudiyattam and to quash the same.

2. The learned counsel for the petitioner would submit that based on the complaint given by the defacto complainant, a case in Crime No.39 of 2014 has been registered against the petitioner and four others on the allegation that the defacto complainant was beaten up with hands, stamped with legs and during which the petitioner intimidated him. He further submits according to the complaint, the petitioner threw stone on the defacto complainant, and he moved away, but the respondent has filed final report stating that the stone hit the complainant and caused injuries. He further submits that none of the witnesses has stated that the petitioner gave stone to the second respondent or used filthy language against the defacto complainant as such the petitioner has been falsely implicated in this case. Hence, she has filed this petition.

3. The learned Additional Public Prosecutor would submit that due to previous enmity over the disputed ancestral property, the petitioner and accused persons have beaten the complainant. He further submits that it is the petitioner who had thrown stone on the defacto complainant whereas the other accused persons had beaten the complainant with hands and also stamped with legs as such they caused injuries to the complainant. He further submits that the petitioner also involved in the crime, therefore he prayed for dismissal of this petition.

4. It is seen that the case was initially registered under Sections 147, 148, 294(b), 323, 324, 325 and 506(ii) I.P.C, and subsequently final report was filed altering the sections into 147, 148, 294(b), 323, 326 & 506(ii) I.P.C. It is pertinent to note that in the complaint it was stated that the petitioner threw stone on the defacto complainant but he moved away whereas in the final report it is stated that the petitioner hit the complainant with stone thereby caused injuries. From the statement of the witnesses it is seen that no one stated that she gave stone to the second respondent or used filthy languages against the defacto complainant as such there is no direct allegation against the petitioner.

5. From the above discussion, this Court is inclined to allow the prayer sought for in this petition as such the proceedings in C.C.No.138 of 2017 in Crime No.39 of 2014 pending

on the file of the learned Judicial Magistrate Court at Gudiyatham is quashed in respect of the petitioner alone. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

pds/lok

To

1. The Inspector of Police,
Pernambut Police Station,
Vellore District.
2. The Judicial Magistrate,
Judicial Magistrate Court,
Gudiyattam.
3. The Additional Public Prosecutor,
High Court of Madras.

+1 cc to Mr.S.N.Arun kumar, Advocate, S.R.No.15656

+1 cc to Mr.L.Ramu, Advocate, S.R.No.16260

Crl.O.P.No.16774 of 2017
and Crl.M.P.Nos.10302 & 10303 of 2017

BR(CO)
SSM(22/04/2019) .