

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.02.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.29878 of 2018
and
Crl.M.P.Nos.2990, 2992 of 2019

1.N.Murugan
2.S.Natarajan
3.N.Ganesh

...Petitioners

Vs.

1.State represented by
The Inspector of Police,
Mudaliarpur Police Station,
Puducherry. ... Respondent

2.R.Sivapragasam ...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records of the final report in C.C.No.139 of 2018 on the file of the Additional District Court, Puducherry quash the same.

For Petitioners : Mr.Gnanasekar

For Respondents : Mr.V.Balamurugane
Additional Public Prosecutor
(Puducherry) for R1

O R D E R

The present Criminal Original Petition has been filed to call for the records of the final report in C.C.No.139 of 2018 on the file of the Additional District Court, Puducherry and quash the same.

2.The learned counsel for the petitioner submitted that the de-facto complainant and petitioner are very close relatives and there was a property dispute and suit is also pending before the District Munsif Court, Gingee. Therefore, due to previous enmity, a false complaint had been given with foisted story. He further submitted that the first petitioner got married one Ramya on 23.03.2016. Therefore, the allegation of the de-facto complainant visited the residence of the petitioners to enquire about the whereabouts of the said Ramya would show that the

complaint is nothing but an unadulterated lie and had been filed only to wreck vengeance against the petitioners. Therefore, he sought for quashing the final report.

3.The learned additional public prosecutor appearing for the first respondent submitted that the case has been registered in Crime No.198 of 2016 for the offences under Sections 324, 323, 506(ii) IPC r/w 34 of IPC. They completed the charges and enquiry and filed a final report on 10.01.2017 and the same has been taken cognizance in C.C.No.139 of 2018 on the file of the Additional District Judge, Puducherry for the offences under Sections 324, 323, 506(ii) IPC r/w 34 of IPC. He further submitted that there are totally three accused, the petitioners were arrayed as A1 to A3. There are specific averments as against the petitioners. They have recorded 161 statements from seven witnesses. There are materials to connect the petitioners with charges. Therefore, they sought for dismissal of the quash petition.

4.Heard Mr.Gnanasekar, learned counsel appearing for the petitioners and Mr.V.Balamurugane, learned Additional Public Prosecutor appearing for the first respondent.

5.It is seen that there are totally three accused, the petitioners were arrayed as A1 to A3 and the trial Court have taken cognizance under Sections 324, 323, 506(ii) IPC r/w 34 of IPC. It is seen from the statement recorded in 161(3) of Cr.P.C. There are specific over tact as against all the petitioners and there are materials to connect the petitioners with the charges. Therefore, at this stage this Court cannot quash the entire proceedings. Since, all the points raised by the petitioners had to be established before the trial Court. Therefore, this Court is not inclined to quash the final report and the petitioners are at liberty to raise the points during the trial.

5.With the above directions, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rna/sai

To

1.The Additional District Court,
Puducherry.

2.The Inspector of Police,
Mudaliarpeta P.S.,
Puducherry.

+1 cc to The Public Prosecutor, (Puducherry) Sr.No.18021

Crl.O.P.No.29878 of 2018
and Crl.M.P.Nos.2990, 2992 of 2019

LN(CO)
CSL/25.03.2019



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