



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.04.2019**

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P. (MD)No.4271 of 2016

and Crl.M.P. (MD) .No.2146 of 2016

N.Pitchandi

... Petitioner/Sole Accused

Vs.

1. The State through
The Sub Inspector of Police,
Velayuthampalayam Police Station,
Karur, Karur District.
(Crime No.717 of 2010)

... 1st Respondent/Complainant

2. S.Venkata Subramanian @ Kannan

... 2nd Respondent/Defacto Complainant

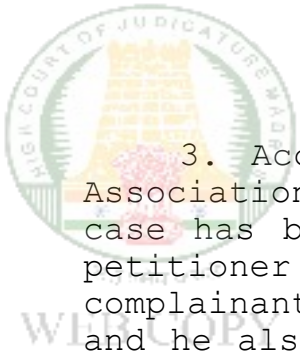
PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.44 of 2011 in Crime No.717 of 2010 on the file of the 1st respondent and quash the same as illegal.

For Petitioner	: Mr.P.Krishnasamy
For Respondents	: Mr.R.Anandharaj for R1 Additional Public Prosecutor No Appearance for R2

ORDER

This criminal original petition has been filed by the petitioner to quash the final report pending against him in C.C.No.44 of 2011 on the file of the learned Judicial Magistrate, Karur.

2. The defacto complainant / second respondent herein has filed a complaint before the first respondent Police that he and the petitioner herein are working in the Tamilnadu Paper Limited at Karur, and on 24.10.2010, at about 9.25 a.m., when he was proceeding to the shop attached to the Mill, he was waylaid, abused with filthy words and also criminally intimidated by the petitioner / accused. Based on the complaint of the second respondent a case in Crime No.717 of 2010 was registered by the Inspector of Police, Velayuthampalayam and after completing the investigation, final report has been filed as against the petitioner for the offence punishable under Sections 341, 294(b) and 506 (i) IPC. Aggrieved over the same, the petitioner has filed the present criminal original petition.



3. According to the petitioner, he was the President of the Association and out of the rivalry in the election dispute, this case has been foisted as against him. The learned Counsel for the petitioner would further submit that the petitioner as well as the complainant are no more employees in the Tamil Nadu Paper Limited and he also suggested that if the matter is referred for Mediation then there is a possibility for settlement between the parties.

4. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent. There is no representation for the second respondent.

5. Perusal of record shows that this Criminal Original Petition was admitted on 30.03.2016 and an order of ad-interim stay was also granted on the said date. Considering the age of the proceedings and also the pendency before this Court for the past three years, this Court is not inclined to refer the matter to Mediation Centre, at this stage.

6. A perusal of record would further show that the first respondent police has filed a final report citing the second respondent / complainant as well as one P.K.Rajendran as eyewitness to the occurrence and it is the specific case of the complainant that on 24.10.2010, when he was proceeding to the Society, he was waylaid by the accused, abused and also criminally intimidated. Though the petitioner is taking a plea that on a election rivalry, the complaint has been foisted, no material, whatsoever, has been produced and in the absence of any such material documents, this Court is not in a position to entertain this petition at this stage.

7. In the light of the foregoing discussions, this Criminal Original Petition is disposed of, with a direction to the petitioner to raise all these grounds which have been raised in this petition before the trial Court. At this juncture, the learned counsel for the petitioner sought indulgence of this Court to dispense with the personal appearance of the petitioner, since he is aged about more than 50 years and also suffering from ailments. If the petitioner suffers with any ailment, it is open to him to file an application before the Judicial Magistrate, Karur, with the relevant documents under Section 205 Cr.P.C and if any such application is filed, the learned Magistrate shall consider the same on merits and proceed with the trial in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

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To

1. The Judicial Magistrate,
Karur.
2. The Sub Inspector of Police,
Velayuthampalayam Police Station,
Karur, Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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TM/gk

MK (29.08.2019) 3P 4C