



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 22.07.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD) .No.10225 of 2019

and

Crl.M.P. (MD) .Nos.6435 and 6436 of 2019

- 1.Muniyasamy
- 2.Veluchamy
- 3.Rajapandi
- 4.Pandiamuthu
- 5.Karuppasamy

... Petitioners

-Vs-

- 1.State represented by
the Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.

- 2.Chandirasekar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records in S.C.No.75 of 2018 pending on the file of the Subordinate Court, Muthukulathur and quash the same.

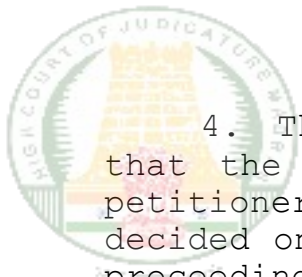
For Petitioners : Mr.G.Bhagavath Singh
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

O R D E R

This petition has been filed to quash the proceedings in S.C.No.75 of 2018 on the file of the Subordinate Court, Muthukulathur.

2. The petitioners are accused Nos.1 to 5 in S.C.No.75 of 2018 on the file of the Subordinate Court, Muthukulathur and they have been charged for the offences under Sections 147, 294(b), 324, 307, 34, 148 and 326 of I.P.C. Now, to quash the same, the criminal original petition has been filed.

3. The learned counsel appearing for the petitioners would contend that it is a case in counter in which one Sathish has been murdered by one Boominathan, who is the brother of the de-facto complainant and only in private defence, the occurrence has taken place. Now, the sole accused in the murder case also died and the charge also abated, and the trial is only against the petitioners.



4. The learned Government Advocate (Crl.side) would submit that the specific overt act *prima facie* reveals as against the petitioners and whether the private defence or not would be decided only at the time of trial and on that ground, the criminal proceedings would not be quashed.

5. I have considered the rival submissions and perused the materials available on records.

6. On perusal of the records, it is seen that the specific overt act attributed against the petitioners, whether the act of petitioners is for private defence or not would be decided only during the course of trial and it cannot be decided at this stage. Hence, I find no merit in the petition and the criminal original petition is dismissed. However, as the matter is posted for trial, the learned Subordinate Judge, Muthukulathur is directed to proceed with the trial in S.C.No.75 of 2018 and complete the same within a period of four months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

akv

To

1. The Subordinate Court,
Muthukulathur.
2. The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.G.BHAGAVATHSINGH, Advocate Sr. No. 76808

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KG(CO)

TR (24.07.2019) 2P 5C