



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.(MD)No.213 of 2018
and CrI.M.P.No.64 of 2018

N.Ajay Sarma

...Petitioner/Accused No.6

-Vs-

1.The Inspector of Police,
Vikiramangalam Police Station,
Madurai District

... Respondent

2. Sivamoorthy

... Respondents/
Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in P.R.C. No. 39 of 2013 on the file of the learned Judicial Magistrate No.II, Usilampatti and to quash the same .

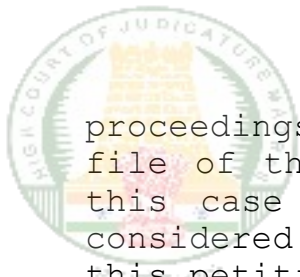
For Petitioner : Ms.Chamundi Bose
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in P.R.C. No. 39 of 2013 on the file of the learned Judicial Magistrate No.II, Usilampatti, having been taken cognizance for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC @ into Sections 147, 148, 294(b), 323, 324, 506 (ii) and 307 of IPC.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.84 of 2013 for the offences under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC, as against the petitioner and filed charge sheet in P.R.C. No. 39 of 2013 on the file of the learned Judicial Magistrate No.II, Usilampatti. Hence he prayed to quash the same.

3. The learned Government Advocate (criminal side) would submit that there are specific allegations as against the petitioner to attract the offence under Sections 147, 148, 294(b), 323, 324, 506 (ii) and 307 of IPC. He further submitted that committal



proceedings over and take cognizance in S.C.No.323 of 2014 on the file of the Sub Court, Usilampatti and it is pending for trial in this case and all the points raised by the petitioner have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the first respondent.

5. It is seen from the charge there are specific averments to attract the offences as against the petitioner. Further it is also seen that there are materials to connect the petitioner to the offences. More over all the points raised by the petitioner have to be considered only during the trial. The petitioner at liberty to raise all the points before the Court below during the trial.

6. In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No.39 of 2013. However, considering the case is of the year 2013, the learned Subordinate Judge, Usilampatti, is directed to complete the trial proceedings in S.C.No.323 of 2014 within a period of three months from the date of receipt of copy of this Order.

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

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

Ls
To

- 1.The Judicial Magistrate No.II,
Usilampatti.
- 2.The Inspector of Police,
Vikiramangalam Police Station,
Madurai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:

The Subordinate Judge,
Usilampatti.

+1CC TO MR.CHAMUNDI BOSE, Advocate Sr. No. 84911

Crl.O.P.(MD)No.213 of 2018

03.09.2019

nsn(CO)

TR(10.10.2019) 3P 6C