



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.18005 of 2014

and

MP(MD)Nos.1 & 2 of 2014

1.Pandi Durai

2.Muniammal

3.Singaraj

... Petitioners / Accused Nos.18, 19 and 8

**Vs.**

1.The State, The Inspector of Police,

Eriyodu Police Station, Dindigul District,

Dindigul.

... Respondent / Complainant

2.Meena

... Respondent / Defacto complainant

**Prayer :** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in C.C No.180 of 2013 on the file of the learned Judicial Magistrate, Vedasanthur and quash the same.

For Petitioners : Mr.D.Selvanayagam

For Respondents : Mr.A.Robinson,

Government Advocate (crl.side) for R1

Mr.J.Lawrance for R2

**ORDER**

The petitioners are facing trial in C.C No.180 of 2013 on the file of the Judicial Magistrate, Vedasandur. The second respondent is the defacto complainant. The second respondent lodged information before the Eriyodu Police Station on 11.09.2012 alleging that a group of persons formed an unlawful assembly and attacked her and her husband in their house. In this regard, Crime No.269 of 2012 was registered. Investigation was taken up and final report was filed against as many as 22 persons for the offences under Sections 147, 148, 452, 324 and 506(ii) IPC. The petitioners herein are figuring as A18, A19 and A8. Cognizance of the offences was taken and the case is taken up for trial in C.C No.180 of 2013. To quash the same, this criminal original petition has been filed.

2.The learned counsel for the petitioners pointed out that no specific overt act is attributed to the petitioners herein. Some of the other accused allegedly attacked the defacto complainant and her husband. But then, as rightly pointed out by the learned counsel appearing for the defacto complainant, the charge under Section 147 of IPC is sufficient to rope in the petitioners also. The petitioners' counsel would contend that the first and second



petitioners are the Government servants and that the third petitioner was a college student at the relevant point of time and that he is not at all involved in the occurrence in question.

3. I am of the view that these are all factual matters that will have to be necessarily established only in a regular trial. Therefore, leaving open all the contentions and defences, this criminal original petition stands dismissed. Considering the facts and circumstances of the case, the personal appearance of the petitioners is dispensed with before the court below. The court below shall not insist the personal appearance of the petitioners herein unless it is necessary or imperative. Since the case is of the year 2013, the court below is directed to conclude the entire trial on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Skm

To

1. The Judicial Magistrate, Veda sandur

2. The Inspector of Police,  
Eriyodu Police Station, Dindigul District,  
Dindigul.

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s. J. LAWRENCE, Advocate ( SR-92057[F] dated 16/10/2019 )

+1 CC to M/s. D. SELVANAYAGAM, Advocate ( SR-92292[F] dated 16/10/2019 )

**Cr1 OP (MD) No. 18005 of 2014**

**and**

**MP (MD) Nos. 1 & 2 of 2014**

**15.10.2019**

SMA/17/12/19/2P/6C