



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P (MD) No.8752 of 2015

and

M.P. (MD) No.1 of 2015

- 1.V.Basker
- 2.Kanniamma
- 3.Jeyapaul
- 4.Meena

... Petitioners/Accused Nos. 1 to 4
Vs

- 1.The Inspector of Police,
Thogamalai Police Station,
Thogamalai,
Karur District.

(in Crime No.293 of 2013) ... Respondent No.1 /Complainant

- 2.Thavasu

... Respondent No.2/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the charge sheet in C.C.No.69 of 2015 on the file of the learned Judicial Magistrate No.I, Kulithalai and quash the same as illegal.

For Petitioners : Mr.S.Karthick

For R1 : Mr.A.Robinson
Government Advocate (CrI.side)

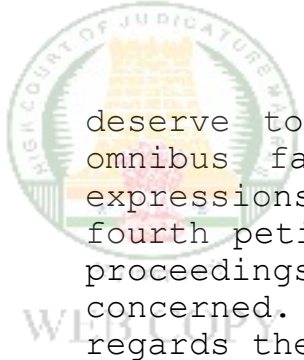
For R2 : Mr.R.Jegadeeswaran

ORDER

The petitioners are facing trial in C.C.No.69 of 2015 on the file of the Judicial Magistrate No.I, Kulithalai, for the offences under Sections 294(b), 323, 341, 324 and 506(ii) of IPC.

2. The defacto complainant in this case is the second respondent herein. The defacto complainant is having a civil dispute with the petitioners herein. On 09.11.2013, at about 08.30 a.m., a quarrel broke out between the two. During the occurrence, the first accused Basker is said to have assaulted the complainant on his back and caused simple injury. The second accused Kanniamma is said to have kicked him on his chest. The third accused Jeyapaul is said to have hit him with stone. As regards the fourth accused, she is only said to have abused him.

3. I am therefore of the view that the petitioners 1 to 3 deserve to face the trial and the fourth petitioner Meena does not



deserve to face any trial. The defacto complainant had in an omnibus fashion alleged that all the four accused used abused expressions. No specific allegation has been made against the fourth petitioner Meena. In this view of the matter, the impugned proceedings stand quashed as far as the fourth petitioner is concerned. This criminal original petition stands allowed as regards the fourth petitioner.

4. The other petitioners will have to necessarily establish their innocence only in a regular trial. Therefore, leaving open their contentions and defences, this criminal original petition stands dismissed as far as petitioners 1 to 3 are concerned. Therefore, the personal appearance of the petitioners 1 to 3 is dispensed with.

5. The learned trial Magistrate shall insist on the personal appearance of the petitioners 1 to 3 only when it is absolutely necessary and imperative. The petitioners 1 to 3 shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners 1 to 3 can be represented through their counsel. It is made clear that this Court has not gone into the merits of the matter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Rmi

To

1. The Inspector of Police,
Thogamalai Police Station,
Thogamalai,
Karur District.

2. The Judicial Magistrate No.I, Kulithalai.

+1 CC to Mr.S.KARTHICK, Advocate (SR-91559[F] dated 04/10/2019)

Cr1.O.P (MD) No.8752 of 2015
and

M.P. (MD) Nos.1 and 2 of 2015
03.10.2019