



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.16088 of 2019

and

Cr1.M.P.(MD) No.9590 of 2019

1.Anbu @ Anburaj
2.Regish @ Regis Danial Raj
3.A.Prince
4.Shanmugavel @ Ganaraj
5.David Chandrakumar

... Petitioners

Vs

1.The Inspector of Police
B-5, South Gate Police Station
Madurai District

2.T.A.Ebinezar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.439 of 2019 dated 06.10.2019 pending on the file of the first respondent and quash the same.

For Petitioners : Mr.R.Santhanam

For Respondents : Mr.K.Suyambulinga bharathi,
G.A. (Cr1. Side) for R1

O R D E R

This petition has been filed to quash the proceedings in Crime No.439 of 2019 on the file of the first respondent as against the petitioners.

2.The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.439 of 2019 for the offences under Sections 294(b) and 506(i) of IPC as against the petitioners. He would further submit that the very same petitioner also lodged complaint as against the second respondent, for which the first respondent registered a case in Crime No. 438 of 2019. Hence he prayed to quash the same.

record.

<https://hcservices.ecourts.gov/hcservices/>



appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere.

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9. Having heard the learned Senior Counsel and examined the material on record, we are of the considered view that the High Court ought not to have set aside the order passed by the Trial Court issuing summons to the Respondents. A perusal of the complaint discloses that prima facie, offences that are alleged against the Respondents. The correctness or otherwise of the said allegations has to be decided only in the Trial. At the initial stage of issuance of process it is not open to the Courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

7. In view of the above, this Court is not inclined to quash the FIR. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, the first respondent is directed to complete the investigation in both the crime number 438 of 2019 and 439 of 2019 following the police standing order for case and counter case and file a final report within a period of eight weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)



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To

1.The Inspector of Police
B-5, South Gate Police Station
Madurai District

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

+1 CC to Mr.R.SANTHANAM, Advocate (SR-96903[F] dated 08/11/2019)

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