



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRL OP(MD) No.13879 of 2020

and CrI.M.P. (MD) Nos. 6382 & 6383 of 2020

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Santhanapandiyan

... Petitioner/Sole accused

Vs.

1. The Inspector of Police
Chokkampatti Police Station,
Tenkasi District.
(Crime No. 195 of 2020)

...1st Respondent/Complainant

2. Muppidathi

...2nd Respondent/Defacto
complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C. No. 129 of 2020 on the file of the Judicial Magistrate, Tenkasi, Tenkasi District and quash the same.

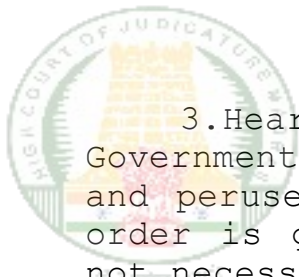
For Petitioner : Mr.B. Jameel Arasu

For R-1 : M/s.S.E. Veronica Vincent
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 129 of 2020 on the file of the learned Judicial Magistrate, Tenkasi, Tenkasi District, for the offences under Sections 294(b), 353 and 506(ii) of IPC.

2.The learned counsel appearing for the petitioner reiterated the contentions set out in the original petition. The case of the prosecution is that on 06.08.2020, at 10.30 P.M., the second respondent/defeacto complainant has received a call from one Udayakumar stating that he was attacked by the petitioner along with one Muthaiah Pandian. Hence, he preferred a complaint before the respondent police. Based on the complaint, a case was registered in Crime No. 182 of 2018 for the offence under Sections 294(b), 353 and 506(ii) I.P.C. After investigation, the respondent police had filed the final report and the same was taken on file in C.C.No. 129 of 2020 by the learned Judicial Magistrate, Tenkasi. The present petition has been filed to quash the proceedings against the petitioner.



3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record. Since no adverse order is going to be passed, notice to the second respondent is not necessary.

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4. The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

'9. It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.'

5. Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioner and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial. Considering the facts and circumstance of the case, the learned Judicial Magistrate, Tenkasi, Tenkasi District is directed to conclude the entire trial proceedings in C.C.No. 129 of 2020, within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ksa

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:-

- 1.The Judicial Magistrate, Tenkasi,
Tenkasi District.
- 2.The Inspector of Police
Chokkampatti Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP. (MD) No.13879 of 2020

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