



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

Crl.O.P. (MD)No.14567 of 2020

and Crl.M.P. (MD)Nos.6865 & 6866 of 2020

WEB COPY

M.Boobala

... Petitioner/Accused 8

Vs.

1.The State Represented by

Inspector of Police,

Paramakudi Town Police Station,

Ramanathapuram District.

Crime No.107 of 2018

...1st Respondent/Defacto Complainant

2.V.Nageswaran

...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.67 of 2020 on the file the learned Judicial Magistrate Court, Paramakudi, Ramanathapuram District and to quash the same as against this petitioner.

For Petitioner

: Mr.S.Ragaventhre

For R1

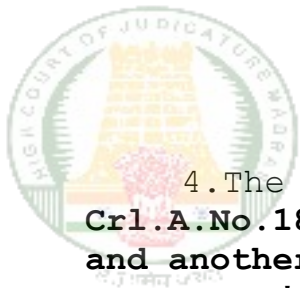
: Ms.S.E.Veronica Vincent,
Government Advocate.(Crl.Side)

ORDER

This criminal original petition has been filed to quash the case in C.C.No.67 of 2020 on the file the Judicial Magistrate Court, Paramakudi, Ramanathapuram District.

2.The learned counsel appearing for the petitioner would submit that there is a previous motive between the petitioner and the second respondent. Due to which, the second respondent herein lodged a complaint before the first respondent and the same was registered in crime No.107 of 2018 for the offence punishable under Sections 147, 148, 294(b), 323 and 506(ii) IPC. After completion of investigation, charge sheet in C.C.No.67 of 2020 before the Judicial Magistrate Court, Paramakudi, Ramanathapuram District. He would further submit that the petitioner was not present in the scene of occurrence and foisted a false case. Hence, the petitioner filed the present petition seeking the aforesaid relief.

3.Heard the learned counsel for the petitioner and perused the materials available on record. In view of the order going to be passed, no case against the second respondent is not necessary.



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. However, the personal appearance of the petitioner before the trial Court is dispensed with except during the dates on which, the learned Judicial Magistrate insists their appearance if it is necessary. Considering the facts and circumstance of the case, the Judicial Magistrate Court, Paramakudi, Ramanathapuram District, is directed to conclude the entire trial proceedings as expeditiously as possible. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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 Court,
Paramakudi,

Ramanathapuram District
<https://hcservices.mca.gov.in/hcservices>



2.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

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

CrI.O.P. (MD) No.14567 of 2020
11.12.2020

(MJ) CO
AP (08/01/2021) 3P 4C