



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.10078 of 2018

and

CrI.M.P. (MD)Nos.4510 and 4511 of 2018

WEB COPY

1.Rengasamy velalar,

2.Dhanamani

... Petitioners/Accused 1&6

Vs

Ravichandran

... Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to C.C.No.223 of 2017, pending on the file of the learned Judicial Magistrate, Pattukkottai and quash the same.

For Petitioners : Mr.S.Deenadhayalan

For Respondent : Mr.A.Senthilkumar

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.223 of 2017 on the file of the Judicial Magistrate, Pattukkottai.

2.It is a private complaint filed by the respondent herein against the petitioners for the offences under Sections 147, 148, 294(b), 323, 364, 506(ii), 417, 420, 465, 468, 471, 120-B and 109 of IPC. To quash the same, this criminal original petition has been filed.

3.Heard the learned counsel on either side.

4.The primary contentions of the petitioner's counsel is that the occurrence had taken place in the year 2012, whereas, the private complaint was filed only in the year 2017. He would also point out that FIR was closed as "Mistake of Fact" and that, the petitioner has not challenged the same.

5.Both the contentions lack substance. As rightly pointed out by the learned Government Advocate (crl.side) appearing for the respondent, even though the occurrence took place in the year 2012 and FIR was registered as Crime No.100 of 2012, the police served the MF notice only on 25.07.2017. Since the respondent could not wait beyond a point, he had earlier filed the impugned private complaint on 06.03.2017 itself. Thus, the private complaint was



filed even during the pendency of the investigation.

6.The respondent's counsel has also placed the materials to show that he had also filed a protest petition. Therefore, leaving open the petitioner's other contentions and defences, the criminal original petition stands dismissed.

7.Considering the overall facts and circumstances, the personal appearance of the petitioners before the Court below stands dispensed with. Of-course, the petitioners will have to appear on those occasions, when it is directed by the Court below or when it is imperative and necessary. On all other occasions, the petitioners can be represented by their counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADI)

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/ /2020

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate, Pattukkottai.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-10687[F] dated 09/03/2020)

+1 CC to M/s.A.SENTHILKUMAR, Advocate (SR-10891[F] dated 10/03/2020)

CrI.O.P(MD)No.10078 of 2018

and

CrI.M.P.(MD)Nos.4510 and 4511 of 2018

05.03.2020

KB(17/03/2020) 2P 4C