



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.8138 OF 2017
AND CRL.M.P.NO.5866 &5867 OF 2017

1.Deivegam
2.Viswanathan
3.Sekar
4.Senthil
5.Velmurugan
6.Vinothkumar
7.Velankanni
8.Perianayagi
9.Selvarani
10.Chithra
11.Jayanthi
12.Ramaye
13.Sutha
14.Parvathy
15.Kayalnayagi @ Thaiyalnayagi ...Petitioners

Vs.

1. State rep. by
The Inspector of Police
Vepur Police Station
Vepur & Taluk
Cuddalore District.
(Crime No.317 of 2016)
2. Anandan ...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in PRC.No.20 of 2016 pending on the file of the learned Judicial Magistrate No.I at Virudhachalam and quash the same.

For Petitioners:Mr.G.Anabayachozhan

For Respondents:Mr.R.Kishore Kumar
Government Advocate(Crl.side) for R1



ORDER

WEB COPY This Criminal Original Petition has been filed to quash the Criminal Proceedings in PRC No.20 of 2016 for the alleged offence under Sections 147, 148, 294(b), 506(ii) of IPC r/w Section 3(1) of PPD Act on the file of the learned Judicial Magistrate No.I at Virudhachalam and quash the same.

2. The crux of the Prosecution is that the accused unlawfully entered into the property of the defacto complainant and destroyed the fence put up around the property.

3. The main contention of the learned counsel for the petitioner is that the defacto complainant himself destroyed the property and filed a false complaint against the petitioners. It is his further contention that when the petitioners questioned the defacto complainant about the damages caused to the property, removal of trees, water pump, there arose a dispute. Accordingly, the petitioners have been falsely implicated in this case. He further submitted that the damages caused to the property openly in front of the Investigating Officer.

4. Considering the above submission, this Court is of the view that the grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

5. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners before the Trial Court is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning and also examination under Section 313 Cr.P.C and at the time of passing of the final judgment.



6. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in PRC.No.20 of 2016 pending on the file of the learned Judicial Magistrate No.I at Virudhachalam as expeditiously as possible. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nr/msv

To

1. The Judicial Magistrate No.I
Virudhachalam.
2. Do thro- The Chief Judicial Magistrate,
Cuddalore.
3. The Inspector of Police
Vepur Police Station
Vepur & Taluk
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.G.Anabayachozhan, Advocate, S.R.No.62167

Crl. O.P. No.8138 of 2017
and CRL.M.P.Nos. 5866 &5867 of 2017

NRL(CO)
PM/21/12/2021