



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.21000 of 2017 and
Crl.M.P.Nos.12445 & 12446 of 2017

1. S.Rathinavel
2. V.Prabakaran
3. M.Jamberi
4. Murugasamy
5. N.Munusamy
6. K.Chinnasamy
7. S.Murugan
8. S.Moorthy

... Petitioners

Vs

1. The State by
Inspector of Police,
Indur Police Station,
Dharmapuri District.

2. R.Murugan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.261 of 2016 on the file of the Judicial Magistrate No.II, Dharmapuri and quash the same.

For petitioners: Mr.J.Bharathiraja

For Respondents : R1 - Mr.R.Kishore Kumar,
Government Advocate [Criminal Side]

R2 - No appearance

O R D E R

This petition has been filed to quash the charge sheet filed in C.C.No.261 of 2016 on the file of the Judicial Magistrate No.II, Dharmapuri for the offences under Sections 147, 148, 341, 324 and 109 of I.P.C. as against the petitioners.



2. The crux of the case of the charge against the petitioners is that as dispute arose while digging the bore well, the accused unlawfully assembled and wrongfully restrained the witnesses and caused injury to them.

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3. It is the contention of the learned counsel appearing for the petitioners that there are no materials to proceed against the accused. The learned counsel for the petitioners further submitted that only as a counter blast to the complaint given by the petitioners, the present complaint has been filed. Hence, prayed to quash the entire proceedings against the petitioners.

4. Though the Medical Officer has not been examined to show that there was injury on the witnesses, it is not a ground to quash the proceedings. As a case in counter in C.C.No.263 of 2016 is pending, the trial court has to conduct trial in both the cases simultaneously and dispose of the cases. In such view of the matter, this Court is not inclined to quash the proceedings against the petitioners at this stage.

5. Accordingly, this Criminal Original Petition is dismissed. However, the learned Magistrate is directed to expedite trial in both the cases and dispose of the cases within a period of four months from the date of receipt of a copy of this Order. Consequently, the connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vrc / kbs
To

1. The Judicial Magistrate No.II,
Dharmapuri.
2. The Inspector of Police,
Indur Police Station,
Dharmapuri District.



3. The Public Prosecutor,
High Court, Madras-104.

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