



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.12186 of 2017
and
Crl.M.P.No.7956 of 2017

1. M.Vinoth Kumar

2. M.Sathiyaseelan ...Petitioners/Accused 1 & 2

Vs

1. State Rep. by the Inspector of Police,
Maraimalar Nagar Police Station,
Kancheepuram District. ...1st Respondent/Complainant
[Crime No.3 of 2012]

2. Santhaseelan ..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.51 of 2012 on the file of the learned Judicial Magistrate No.II, Chengalpet, Kanchipuram District and quash the same in so far as the petitioners are concerned.

For petitioners: Mr.R.Sasikumar

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

R-2 Dr.R.Sampath Kumar

O R D E R

This petition has been filed to quash the charge sheet filed in C.C.No.51 of 2012 on the file of the learned Judicial Magistrate No.II, Chengalpet, Kanchipuram District for the offences under Sections 294[b], 341, 323 and 506 [i] of I.P.C.

2. Though several grounds have been raised in the petition, the main contention of the learned counsel appearing for the petitioners is that the defacto complainant has not appeared before the trial Court while the petitioners are regularly appearing before the trial Court.



3. On a perusal of the materials available on record, it is seen that summons have not been served on the defacto complainant. Therefore, non appearance of the defacto complainant cannot be a ground to quash the proceedings, particularly, when there are serious allegations unearthed in the final report. Hence, this Court is not inclined to quash the proceedings.

4. Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all their legal defence before the trial Court. The trial Court shall expedite the trial and to take effective steps to summon the witnesses and conclude the proceedings within a period of 6 months from the date of receipt of a copy of this Order. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vrc / kbs

To

1. The Judicial Magistrate No.II,
Chengalpet, Kancheepuram District.
2. The Inspector of Police,
Maraimalar Nagar Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

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BS (CO)
RGA (03/12/2021)