



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.24213 of 2017

in

Crl.M.P.Nos.13996 and 13997 of 2017

1.Subramani
2.Sumathi

..Petitioners/Accused

-Vs-

1.The State
Represented by Inspector of Police
Chinna Salem Police Station,
Kallakurichi.
(Cr.No.509 of 2012)

2.Periyasamy

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the entire records in C.C.No.131 of 2017 on the file of Judicial Magistrate-II, Kallakurichi and to quash the same

For Petitioners ... Mr.G.Dinesh Kumar

For Respondents ... Mr.S.Vinoth Kumar
Government Advocate (Crl.side)
for R1
... Mr.S.Ramajayam (for R2)

ORDER

This petition has been filed to quash the proceedings in C.C.No.131 of 2017 pending on the file of Judicial Magistrate-II, Kallakurichi for the offences under Sections 294(b), 323, 326 and 506(ii) IPC.

2. Heard the learned counsel for the petitioners, learned Government Advocate (Crl.side) appearing on behalf of the first respondent and learned counsel for the second respondent.

3. The main contention urged by the learned counsel appearing for the petitioners before this Court is that the



complaint is a mala fide one and there is a civil suit pending between the parties.

4. At the outset, I am unable to countenance this submission. The charge itself indicates that there was grievous injuries caused on the witnesses. The medical evidence also corroborate the same. Whether the offence has been established or not has to be decided only at the time of trial and this Court under Section 482 Cr.P.C cannot decide the same. This Court also cannot conduct a roving enquiry and the evidentiary value cannot be gone into at this stage and the present criminal original petition is liable to be dismissed.

5. Accordingly, the instant Criminal Original Petition is dismissed. However, the trial Court shall ensure that the trial is completed as expeditiously as possible and on day-to-day basis trial to be conducted, since the matter is pending for a long time. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

- 1.The Judicial Magistrate-II,
Kallakurichi.
- 2.The Inspector of Police
Chinna Salem Police Station,
Kallakurichi.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc Mr.S.Mohamed Uduman, Advocate SR. No.61374

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VSNI (CO)
PR (07/12/2021)