



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 26025 of 2017

and

Crl.M.P.No.15004 and 15005 of 2017

1.Sankara Narayanan
2.Theepanjan
3.Govindaraj
4.Parasuraman
5.Ramesh
6.Kannan

. . . Petitioners

Versus

1.State by Inspector of Police,
Thyagadurgam Police Station,
Villupuram District.
Crime No.297 of 2016.

2.Jayanthi

. . . Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records with respect of the charge sheet in C.C.No.323 of 2017, on the file of the Judicial Magistrate-II, Kallakurichi and quash the same.

For Petitioners : Mr.R.Nalliyappan

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

: Mr.L.Rajendran for R2

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.323 of 2017, on the file of the Judicial Magistrate-II, Kallakurichi, for the offences under Sections 147, 148, 294(b), 353, 323, 324, 448 and 506(i) IPC.

2.The case of the prosecution is that, on 23.07.2016, at about 09.30 p.m., the accused entered into the house of the de facto complainant and abused her family members and also caused injuries and also caused criminal intimidation.



3.The main ground urged before this Court by the learned counsel for the petitioners is that there is a delay in filing the FIR and there are discrepancies in the statements of the witnesses and therefore, the entire prosecution has to be quashed.

4.Heard the learned counsel on either side and perused the entire materials available on record.

5.I am unable to persuade myself to accept the submission of the learned counsel for the petitioners, for the reason that, merely because of some discrepancies in the statements of the witnesses, this Court cannot exercise its powers under Section 482 Cr.P.C. and quash the final report at this stage. All these aspects have to be gone into during trial. Therefore, this Court is not inclined to quash the final report at this stage.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petitions are closed.

7.It is for the accused, the petitioners herein, to raise all their legal defence before the trial Court. The trial Court is directed to expedite the trial and dispose the main case on its own merits, as expeditiously as possible.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

psa/mkn

To

1.The Judicial Magistrate-II,
Kallakurichi.

2.The Inspector of Police,
Thyagadurgam Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

Cr1. O.P. No. 26025 of 2017

NRL(CO)
GMY(13/12/2021)