



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. 26130 of 2017
and
Crl.M.P.No.15023 and 15024 of 2017

1.Muthuraja
2.Vishnu Eswarakumar
3.Balamuralikrishna
4.Subbaiah

. . . Petitioners

Versus

1.State rep.by
The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District.
Crime No.408 of 2011.

2.Chelladurai

. . . Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the case in PRC.No.19 of 2012, on the file of the Judicial Magistrate Court No-II, Polachi, Coimbatore and quash the same.

For Petitioners : Mr.R.Sasikumar

For Respondents : Mr.R.Kishore Kumar

Government Advocate (Crl.Side) for R1
: Mr.R.Bharathkumar for R2

ORDER

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.19 of 2012, on the file of the Judicial Magistrate Court No-II, Pollachi, Coimbatore, for the offences under Sections 147, 448, 294(b), 324, 506(ii) IPC r/w 3(1) PPDL Act and Section 379 IPC.



2.The case of the prosecution is that, on 08.06.2011, when the de facto complainant was in his house along with his family members, the petitioners herein came there and assaulted him and his wife. The petitioners also damaged few two wheelers and other properties of the de facto complainant.

3.The main contention of the learned counsel appearing for the petitioners is that the entire complaint is falsified. There is a civil dispute between the parties and the witnesses are interested in nature and there was no proper enquiry conducted by the Police. Therefore, the prosecution has to be quashed.

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

5.The prosecution has examined as many as 28 witnesses and also filed various documents before the trial Court. The allegations in the final report indicate that there was violence unleashed on the de facto complaint and their properties were damaged and therefore, merely because there is some civil dispute pending between the parties, on that ground alone, the entire prosecution cannot be quashed at the threshold.

6.In such view of the matter, I do not find any material to quash the proceedings. It is for the trial Court to decide the issue on its own merits and dispose of the matter as expeditiously as possible.

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

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

psa/mkn

To

1.The Judicial Magistrate No-II,
Pollachi, Coimbatore.



2.The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Bharath kumar, Advocate SR.No.62793

Cr1. O.P. No. 26130 of 2017

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