



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.20351 of 2018
and
CRL.M.P.Nos.10900 of 2018

1.Gopal
2.Palani Ammal
3.Ramesh
4.Suresh
5.Sankar
6.Ravi
7.Sudha
8.Pradeepa

... Petitioners/Accused

Vs.

1. State rep.by
The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
(Crime No.410/2013)

2. A.Tamilarasan
Head Constable
Bommidi Police Station
Dharmapuri District

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the charge sheet in C.C. No.191 of 2014 on the file of learned District Munsif cum Judicial Magistrate Court, Pappireddipatty in Crime No.410 of 2013 on the file of the first respondent and quash the same.

For Petitioners : Mr.S.Kumaradevan

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



ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.191 of 2014 on the file of the District Munsif cum Judicial Magistrate Court, Pappireddipatty in Crime No.410 of 2013 on the file of the first respondent.

2.The case of the prosecution is that due to previous enmity, the accused abused the de-facto complainant and unlawfully assembled and assaulted the de-facto complainant by using deadly weapons, thereby caused injuries on him.

3.The contention of the learned counsel for the petitioners is that it is a case and counter, therefore, final report has to be quashed.

4. At the outset, I am not in agreement with the submissions of the learned counsel for the petitioners. When serious allegations are made against the petitioners for causing injuries and an offence under Sections 147, 148 and 332 IPC has been registered, trial has to be conducted. Accordingly, this Criminal Original Petition stands dismissed.

5. At this stage, the learned counsel appearing for the petitioner seeks a direction to dispense with the personal appearance of A2, A7 and A8, since they are womenfolk. Taking into consideration the facts and circumstances of the case, the presence of the petitioners 2, 7 and 8/A2, A7 and A8 alone before the Trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. They shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief.

6. Considering the nature of the charges levelled against the petitioners and a counter case is also pending, the trial court shall conduct both the cases simultaneously and dispose of the same, as expeditiously as possible. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Asr



To

1. The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
(Crime No.410/2013)
2. The Public Prosecutor
High Court, Madras.
3. The District Munsif cum Judicial Magistrate Court,
Pappireddipatty

+1cc to Mr.S.Kumar Devan, Advocate, S.R.No.4969

Cr1. O.P. No.20351 of 2018
and CRL.M.P.No.10900 of 2018

NRL (CO)
SU (11/02/2022)