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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.4401 of 2018
and
Crl.M.P.Nos. 2067 & 2068 of 2018

1. Shaik Arif Basha,
S/o. Late Asif Basha
 2. Farzana,
W/o. Late Asif Basha
 3. Mrs.Waseemunnisa,
W/o. Late Mohamed Shafi
 4. Y. Mohammed Ghouse,
S/o. Late Yakhin Ali
- ...Petitioners/Accused 2 to 5

Vs.

1. State :
The Inspector of Police,
S15 Police Station,
Chennai-73. ... 1st Respondent/Complainant
2. Farhana,
W/o. Rajendran ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the case against the petitioners in C.C.No.289 of 2016 in the court of Judicial Magistrate, Tambaram.

For Petitioners	:	Mr.Mohamed Ghose for Mr.H.Navas Basha
For R1	:	Mr.R.Kishore Kumar Government Advocate (Crl.side)
For R-2	:	Mr.T.Sundaravadanam for Mr.N.Suresh



ORDER

(This case has been heard through video conference)

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This Criminal Original Petition has been filed to quash the final report filed under Sec. 147, 294B0, 447, 506(i) of I.P.C. in C.C.No.289 of 2016, on the file of Judicial Magistrate, Tambaram.

2. The crux of the final report is that the accused had trespassed into the house of defacto complainant, abused them and also made a threat, thereby, the petitioners said to have committed an offence under Sec. 147, 294(b), 447 and 506(i) of I.P.C. Now, the main ground on which the final report sought to be quashed is that the evidence produced by the prosecution will not prove the offence and one of the witnesses has not supported the case of prosecution. Hence, the same has to be quashed.

3. Perused the records. I am of the view that this Court is unable to countenance the contentions submitted by the learned counsel for petitioner. First of all, statements under Sec.161 Cr.P.C. cannot be taken into consideration. Similarly, the contradictions and omissions also cannot be seen at this stage. The learned counsel has also placed much reliance on the statements recorded by the police from the witnesses. Such course is not permissible while exercising the powers under Sec.482 of Cr.P.C., when the connected cases are also pending in Crime No. 1157 of 2017. Therefore, this Court is of the view that only after full-fledged trial, the trial court will see the logical end. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rpp/gd

To

1. The Judicial Magistrate,
Tambaram.



2. The Inspector of Police,
S15 Police Station,
Chennai-73.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Navas Basha, Advocate, S.R.No.170

Cr1.O.P. No.4401 of 2018

SJ(CO)
SU(24/01/2022)