



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.06.2022
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.13987 of 2022 & Crl.M.P.Nos.7606 & 7609 of 2022

1. Sneha
2. Poongodi

...Petitioners

Vs.

1. State represented by The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.
[Crime No.1547 of 2021]

2. Mrs.S.Mohana Thilak

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records and quash the proceedings/charge sheet in C.C.No.427 of 2022 pending on the file of the XVI Metropolitan Magistrate, George Town, Chennai.

For Petitioners : Mr.D.Ashok Kumar

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor - R1

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.427 of 2022 pending on the file of the XVI Metropolitan Magistrate, George Town, Chennai for the offences under sections 147, 341, 294[b], 286, 323, 354, 506[i] read with 149 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 4[1] [j] of Tamil Nadu Prohibition Act.

2. The allegations against the accused is that due to previous enmity with regard pathway dispute, the petitioners along with other accused are said to have assaulted the witnesses and hence, the accused have been prosecuted.

3. It is the contention of the learned counsel for the petitioners that only as a counter blast, the present case has been registered against the petitioners and the first respondent



without conducting enquiry has filed final report in this case and hence, seeks to quash the charges against the petitioners.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that there are prima facie materials against the petitioners and witnesses have clearly spoken about the role played by the petitioners in the commission of the offence and hence, prayed to dismiss this petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

6. The contentions of the learned counsel for the petitioner cannot be gone into at this stage by conducting roving enquiry while exercising its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all his defence before the trial Court and the Court below shall consider the same on its own merits and in accordance with law.

7. At this stage, the learned counsel for the petitioners sought indulgence of the Court, to dispense with the personal appearance of the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed. The trial shall be conducted in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). In view of the submissions of the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C. and any other dates fixed by the trial Court. Consequently, connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar



To

1. The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.

2. The XVI Metropolitan Magistrate
George Town, Chennai.

3. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.D.Ashok Kumar, Advocate sr 37898.

CrI.O.P. No.13987 of 2022

SR II (CO)
SP (30/06/2022)