



Crl.O.P.No.25980 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.25980 of 2022

and

Crl.M.P.Nos.16046 & 16047 of 2022

- 1.Umapathi
- 2.Palani
- 3.Ramanujam
- 4.Arunachalam
- 5.Perumal
- 6.Panneer
- 7.Auto Sasi @ Sasi Kumar
- 8.Auto Sekar @ Sekar
- 9.Nagaraj
- 10.Dhamodaran
- 11.Babu
- 12.Suresh
- 13.Lakshmi Narshimman
- 14.Thirumal
- 15.Rani
- 16.Mallika

... Petitioners

Vs.

- 1.State Rep.by
The Inspector of Police,
Sholingur Police Station,
Ranipet District.
(Crime No.146 of 2014)



Cr.O.P.No.25980 of 2022

2.Raja

... Respondents

WEB COPY

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C. to call for the records in C.C.No.06 of 2017 pending on the file of the Judicial Magistrate, Sholingur, Ranipet District and quash the private complaint pending against the petitioners.

For Petitioners ... Mr. S. Silambuselvan

For Respondents ... Mr. S. Santhosh, for R1
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed to quash the C.C.No.06 of 2017 pending on the file of the Judicial Magistrate, Sholingur, Ranipet District.

2. The learned counsel for the petitioners contended that there is a civil dispute pending in O.S.No.122 of 2014 before the Sub Court, Ranipet with regard to the management of the temple. In this suit, interim injunction was passed. Thereafter, the case in O.S.No.524 of 2014 is



pending before the Sub Court, Arakkonam. For the same set of facts, the defacto complainant gave a police complaint, which was registered in Crime No.146 of 2014 for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324 and 506(ii) IPC on 13.07.2014. After investigation, on 15.01.2015, the 1st respondent police dropped further action on the complaint. While pending police complaint, the defacto complainant wantonly filed a private complaint before the Judicial Magistrate, Sholingur with the same set of allegations. Therefore, it needs to be quashed.

3. Heard, the learned Government Advocate (Crl.Side) appearing for the first respondent.

4. On perusal of records, it reveals that the defacto complainant gave a private complaint against the petitioners before the Judicial Magistrate, Sholingur, after the police complaint. The learned Judicial Magistrate, after recording the statement of the complainant, taken cognizance in C.C.No.06 of 2017 for the offences punishable under



Crl.O.P.No.25980 of 2022

Sections 147, 148, 294(b), 341, 323, 324 and 506(ii) IPC and issued summons for the appearance of the petitioners / accused.

5. In para 5 of the complaint, the complainant averred and stated that the accused viz., Perumal, Suresh, Babu and Nagaraj assaulted the complainant with knife and caused injuries on his left hand and other places. Further, the accused, viz., Malliga and Rani sprinkled chili powder on him. The accused viz., Sekar, Auto Sasi, Panneer, Lakshmi Narshimman, Dhamodaran, Thirumal and others, assaulted with wooden log and caused injuries on his body and other accused also assaulted him with weapons. Therefore, there is a *prima facie* offence made out in the averment of the complaint. It has to be adjudicated by let in evidence.

6. Under these circumstances, I find no merit to quash the criminal proceedings against the petitioners /accused. Further, it also does not meet the parameters laid down by the Hon'ble Supreme Court in the cases in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others***



Crl.O.P.No.25980 of 2022

(2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ KUMAR & ANR

WEB CO

(1985 Crl.L.J.817). Therefore, it is inappropriate to quash the C.C.No.06 of 2017 pending on the file of the Judicial Magistrate, Sholinghur, Ranipet District. Therefore, I find no merit in this petition and the same is liable to be dismissed.

7. Accordingly, the criminal original petition is dismissed. Consequently, connected Crl.M.P.No.16046 of 2022 is closed. The trial Court is hereby directed to complete the trial, within a period of three months from the date of receipt of a copy of this order.

8. The learned counsel for the petitioners submitted that the petitioners viz., Umapathi, Palani, Ramanujam, Arunachalam, Perumal, Paneer, Nagaraj, Rani and Mallika are aged about more than 60 years and their personal appearance before the trial Court may be dispensed with.

9. Accepting the contention made by the learned counsel for the petitioners in Crl.M.P.No.16047 of 2022, the personal appearance



CrI.O.P.No.25980 of 2022

petitioners viz., Umapathi, Palani, Ramanujam, Arunachalam, Perumal, Paneer, Nagaraj, Rani and Mallika before the trial Court, is dispensed with, on condition that they should appear before the trial Court for further proceedings whenever required by the trial Court.

28.10.2022

AT

Index : Yes/No

To

- 1.The Judicial Magistrate, Sholingur,
Ranipet District.
- 2.The Inspector of Police,
Sholingur Police Station,
Ranipet District.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25980 of 2022

V.SIVAGNANAM ,J.

AT

Crl.O.P.No.25980 of 2022

28.10.2022