



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No. 29019 of 2017
and
CrI.M.P.Nos.16371 & 16372 of 2017

1.Kuppan
2.Subbu
3.Vasu
4.Kowri
5.Rani
6.Vasuki

. . . Petitioners

Versus

M.Baggiyalakshmi

. . . Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.284 of 2016, on the file of the District Munsif Cum Judicial Magistrate, Sriperumpudur and quash the same.

For Petitioners : Mr.S.Prabhu

For Respondent : Mr.X.Selvam Soundar

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to call for the records and quash the proceedings in C.C.No.284 of 2016 on the file of the District Munsif Cum Judicial Magistrate, Sriperumpudur filed against the accused for the offence under Sections 294(b), 324, 341, 506(ii) r/w 511 IPC.

2. Originally, eight accused were arrayed in C.C.No.284 of 2016, while taking cognizance, the learned Judicial Magistrate Sriperumpudur, appears to have taken cognizance only against these petitioners.

3. The allegations in the First Information Report indicate that A1 is a Sub Inspector of Police and A2, the Inspector of Police has closed the case as a mistake of fact. However, private complaint has been filed.



4. At the outset, this Court cannot persuade itself to accept the contention of the learned counsel appearing for the petitioners. When there are contradictions in the Accident Registrar Copy and in the complaint, it is a matter of evidence and has to be decided by the trial Court and not by this Court while exercising its jurisdiction under Section 482 Cr.P.C. Admittedly, the Accident Registrar Copy shows that some injury has been caused on the de facto complainant and that there are statements attributing against these petitioners for causing such injuries. Whether, this attracts the offence or not has to be seen only in the trial Court. This private complaint is a counter case. When such being the matter, both the police case and this case should be tried by the same magistrate in separate trial and disposed of simultaneously.

5. At this stage, the learned counsel appearing for the petitioners seeks indulgence of this Court to dispense with the personal appearance of the petitioners. Accordingly, the personal appearance of the petitioners/accused 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. It is very well open to the petitioners/accused to raise all their defence before the trial Court.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

psa/msv

To

The District Munsif Cum Judicial Magistrate,
Sriperumpudur.

+1cc to Mr.X.Selvam Sounder, Advocate, S.R.No.5059
+1cc to Mr.S.Prabhu, Advocate, S.R.No.4780

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GMR (CO)
SB(11/02/2022)