



CrI.O.P.(MD) No.11942 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.11942 of 2022

and

CrI.M.P.(MD).No.7548 of 2022

1.Kothappan

2.Bairavan

3.Sangan

...Petitioners/Accused Nos.1 to 3

Vs.

Vayiravan

...Respondent/

Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to C.C.No.98 of 2020 on the file of the learned Judicial Magistrate Court, Melur, Madurai District and quash the same as against the petitioner.

For Petitioner : Mr.M.Karunanithi



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ORDER

The Criminal Original Petition has been filed to quash the case in C.C.No.98 of 2020 on the file of the learned Judicial Magistrate Court, Melur, Madurai District.

2.The case of the prosecution is that on 21.07.2020 at about 9.45 a.m., when the de-facto complainant came to the place for cultivating, the petitioners accused assaulted him and prevented him from cultivating and also abused him with filthy languages. Hence a complaint has been lodged against the petitioners and the Police was refused to register the case. Hence the same was taken on file in C.C.No.98 of 2020 on the file of the learned Judicial Magistrate Court, Melur, Madurai District. According to the petitioners, no injury caused by them to the defacto complainant and they have not assaulted him. The allegations are purely false. There is no evidence for these allegations.

3. I have considered the matter in the light of the submission made by learned counsel for the petitioner.



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4. On perusal of the records it is seen that the defacto complainant lodged a private complaint and it was taken on file as C.C.No.98 of 2020 before the Judicial Magistrate Court, Melur, Madurai District. After taking the evidence of the complainant, the learned Judicial Magistrate takes cognizance of the case in C.C.No.98 of 2020 for offences under Sections 294(b), 323, 506 (ii) I.P.C. Now the case was posted for evidence on 25.08.2022. Now the petitioners denied the allegations as false and also submitted that there is no evidence to support the complaint case. So denial of allegations in the complaint cannot be taken into consideration for quashing the proceedings. The truthfulness or false of evidence has to be considered before the Trial Court, after considering and evaluating the evidence before the Court. Therefore, the contention of the learned counsel for the petitioner is that the allegations in the complaint is false and there is no support evidence, cannot be considered at this stage. However, in this regard, the averment of the learned counsel for the petitioner is rejected as unsustainable and inappropriate. The learned counsel for the petitioners pleaded to dispense with the personal appearance of the petitioners before the Trial Court.



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5. By considering the nature of the case and by accepting the contention of the petitioners, the personal appearance of the petitioners is hereby dispensed with before the Trial Court, with a condition that they should appear before the Trial Court for further proceedings whenever required by the Trial Court. The Trial Court is directed to dispose the case within a period of four (4) months.

6. Recording the same, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition stands closed.

05.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
Nsr

To
The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

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