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Crl OP No. 19255 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No. 19255 of 2019
and
Crl.M.P. No. 9847 of 2019

1.S.Dhanapal
2.Selvanayaki
3.Dhevaki
4.Usha Gandhi
5.Pannerselvam

... Petitioners

Versus

1. State rep. By
Sub-Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.

2. Vinodhini

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records relating to the proceedings in C.C. No. 84/2019 on the file of the Judicial Magistrate-II, Panrutti, quash the same.

For Petitioners : Mr. V.Subramanian

For Respondents : Leonard Arul Joseph Selvam
Government Advocate (Crl. Side) for R1

Mr.A.M.Rahamath Ali for R2



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ORDER

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This petition is filed to quash the proceedings in C.C.No.84 of 2019 on the file of the Judicial Magistrate II, Panrutti for the offences under Sections 147, 294(b), 336, 506(i) IPC.

2. It is alleged in the final report that the defacto complainant was attacked by the petitioners with bricks and the petitioners were trespassed into the property and caused damaged to the property.

3. Learned counsel for the petitioners submitted that the entire case is false and the allegations made in the final report is contrary to the allegations made in the FIR. The medical evidence does not support the case of the victim/defacto complainant and the allegations against all the family members appears to be improbable and prayed to quash the final report.

4. Learned Additional Public Prosecutor submitted that there are materials to implicate the petitioners. The defacto complainant was examined by doctor. The Accident Register shows that the defacto



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complainant was attacked and points raised by the petitioners cannot be adjudicated in the quash petition.

5. Learned counsel for the defacto complainant in addition to the submission made by the learned Additional Public Prosecutor would add that there is a counter complaint filed by the petitioners against the defacto complainant and the same is pending trial in C.C.No.83 of 2019 and any order passed in this case would adversely affect the decision in the said case and prayed for dismissal of the quash petition.

6. This Court finds that the points raised by the petitioner are factual in nature and can be raised by the petitioners before the trial Court. There is a counter case filed by the petitioners against the defacto complainant and others which is pending trial. Therefore, it is just and proper that both the cases (i.e.) C.C.Nos. 83 and 84 of 2019 are tried simultaneously and judgment is delivered on the same day. Hence, the learned Judicial Magistrate II, Panrutti, is directed to complete the trial in both the cases within a period of six months from the date of receipt of a copy of this order.



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16.03.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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SUNDER MOHAN, J

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