



CrI.O.P.(MD) No.13584 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.13584 of 2023

and

CrI.M.P.(MD) Nos.10612 and 10613 of 2023

Narayanasamy

... Petitioner

Vs.

1.The Inspector of Police,
Anna Nagar Police Station,
Madurai.

2.Palammal

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned proceedings in CC.No.754 of 2022 on the file of the Additional Mahila Court, Madurai, and to quash the same as against the petitioner.

For Petitioner : Mr.PT.S.Narendravasan

**For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor**



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ORDER

This petition is filed seeking quashment of the charge sheet in CC.No.754 of 2022 on the file of the Additional Mahila Court, Madurai.

2. The defacto complainant is the tenant of the house belong to petitioner's son. It is submitted by the learned counsel for the petitioner that in order to coerce the petitioner not to take any action for eviction of the defacto complainant, a false case has been foisted against the petitioner, who is aged about 80 years. It is submitted further as per the defacto complainant, the petitioner has beat him with iron rod however in the accident register, he has stated that unknown person has hit him. It is submitted further that there are number of other discrepancies in the case of the petitioner.

3.The learned Additional Public Prosecutor on the other hand submits that as per the charge sheet there are direct overt acts against the petitioner and that his presence is stated by victim and other witnesses and unless trial is conducted, the case of the petitioner cannot be quashed summarily.



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4. On hearing the submissions made by the learned counsel on either side and on going through the records, it is clear that there are discrepancies in the case of the prosecution as pointed out by the petitioner. There is also a possibility that in order to see that no case is registered by the petitioner/land lord against the defacto complainant/tenant a false case also could have been foisted. However, those discrepancies cannot be appreciated in the petition filed under Section 482 Cr.P.C., as the issues raised by the petitioner will have to be given finding only after concluding of full-fledged trial, therefore at this stage, the petitioner seeking quashment of charge sheet cannot be considered.

5. The petitioner is stated to be aged about 80 years old and the defacto complainant is a tenant in the property belonging to the son of the petitioner.

6. In view of the above, this Petition is disposed of directing the trial Court to expedite the trial in CC.No.754 of 2022 and dispose of the same as quickly as possible keeping in view of the age of the petitioner. Further the presence of the petitioner/A1 is dispensed with during the course of trial however, the learned Magistrate is at liberty to direct the petitioner/A1 to appear before the Court for



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answering the charges and 313 examinations or any such other purpose.

Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

- 1.The Inspector of Police,
Anna Nagar Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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