



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.O.P.(MD) Nos.13291 of 2018 & 884 of 2019

and

CrI.M.P(MD)Nos.5976 of 2018 & 382 of 2019

CrI.O.P.(MD) No.13291 of 2018

1.Agnelraj

2.Suresh Kumar

...Petitioner/Accused No.1 & 2

Vs.

1.State Rep by

The Inspector of Police,
Cantonment Police Station,
Trichy, Trichy District.
(Crime No.782 of 2015)

... Respondent/Complainant

2.Rajendran

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.277 of 2016 on the file of the learned Judicial Magistrate No.II, Trichy in connection with Crime No. 782 of 2015 on the file of the Inspector of Police, Trichy Cantonment Police Station, Trichy District and quash the same as devoid of merits and illegal.

For Petitioner	: M/s.R.Sundar
For R1	: Mr.M.Muthumanikkam
	Government Advocate (CrI.Side)
For R2	: Mr.A.P.Muthupandian

**Crl.O.P.(MD) No.884 of 2019**

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M.Rajendran

...Petitioner/Sole Accused

Vs.

1.The State through
The Inspector of Police,
Cantonment Police Sttion,
Trichy Distict.
(Crime No.781 of 2015)

... Respondent/Complainant

2.V.Suresh Kumar

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in C.C.No.287 of 2016 (Crime No.781 of
2015) on the file of learned Judicial Magistrate No.II, Trichy, and quash
the same.

For Petitioner	: Mr.A.P.Muthupandian
For R1	: Mr.M.Muthumanikkam Government Advocate (Crl.Side)
For R2	: No Appearance

COMMON ORDER

These petitions have been filed to quash the C.C.Nos.277 & 287 of
2016 on the file of learned Judicial Magistrate No.II, Trichy.

2.Since the issue involved in both the Criminal Original Petitions
is one and the same, they are are taken up together and disposed of, by
this common order.



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3.In CrI.OP(MD)No.13291 of 2018, the petitioners are accused No.1 and 2 in C.C.No.277 of 2016 on the file of Judicial Magistrate No.II, Trichy filed this quash petition under Section 482 Cr.P.C., to quash the case in Crime No.782 of 2015 which was filed for the offences under Sections 294(b), 323, 392 and 506(i) of IPC.

4.In CrI.OP(MD)No.884 of 2019, the petitioner is sole accused in C.C.No.287 of 2016 on the file of Judicial Magistrate No.II, Trichy filed this quash petition under Section 482 Cr.P.C., to quash the case in Crime No.781 of 2015 which was filed for the offences under Sections 294(b), 323 and 506(i) of IPC.

5.In CrI.OP(MD)No.13291 of 2018, the respondent police registered a case in Crime No.782 of 2015 after receipt of complaint from the second respondent for the alleged offences under Sections 294(b), 323, 392 and 506(i) of IPC. After investigation, they filed final report before the learned Judicial Magistrate No.II, Trichy and the same was taken cognizance in C.C.No.277 of 2016 for the offences under Sections 294(b), 323 and 325 of IPC. The allegations stated in the final report are as follows:-



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(i) On 26.08.2015 on 10.00 a.m, when both the petitioners presented in the office, the defacto complainant requested to give his documents along with the fees amount of Rs.44,000/-, which were already given to them. The petitioners were refused to return the same to the defacto complainant and in that process, there is a scuffle. Due to which, the petitioners said to have assaulted the defacto complainant and caused injuries. For that incident, the defacto complainant gave a complaint against the petitioners. The petitioners also gave a complaint against the defacto complainant.

(ii) Both the complaints were registered in the same respondent police in Crime No.781 of 2015 and Crime No.782 of 2015 respectively. Both the complaints were investigated by the respondent police and final reports were filed in both the cases and the same were taken on file. C.C.No.277 of 2016 was filed against the petitioners in Crl.OP(MD)No. 13291 of 2018 and C.C.No.287 of 2016 was filed against the defacto complainant in Crl.OP(MD)No.884 of 2019. The accused in both the cases filed a quash petitions before this Court.



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6. This Court perused the entire materials filed along with the final reports filed in both the cases. Upon careful consideration materials, this Court finds no ground to invoke the inherent power under Section 482 of Cr.P.C for the reason that the injuries sustained by the witnesses in each case is substantiated by the medical evidence and there is a sufficient *prima facie* grounds to frame the charges are available against the petitioner in CrI.OP(MD)No.884 of 2019. At this stage, this Court has no jurisdiction to invoke Section 482 Cr.P.C. Similarly, sufficient materials are available against the petitioners in CrI.OP(MD)No.13291 of 2018 to frame the charges. This Court desists from appreciating the evidence on record at this stage as a Court of appeal against the conviction. Further, the inherent power under Section 482 Cr.P.C is very much limited and not to appreciate the evidence at this stage as held by the Hon'ble Supreme Court in the case of **Saranya Vs. Bharathi and Another** reported in **2021 8 SCC 583**.

“11. at the stage of framing of charges, the Court has to consider the material only with a view to find out if there is a ground for “presuming” that the accused had committed the offence. It is observed and held that at that stage, the High Court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclose the existence of all the ingredients constituting the alleged offence or offences. It is



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further observed and held that at this stage the High Court is not required to appreciate the evidence on record and consider the allegations on merits and to find out on the basis of the evidence recorded the accused chargesheeted or against whom the charge is framed is likely to be convicted or not."

7.Hence, this Court is inclined to dismiss both the Criminal Original Petitions with the observation that the learned Judicial Magistrate Court No.II, Trichy, shall conduct the trial in a fair manner and decide the cases based on the evidence adduced before the Court without influencing by the order of this Court in this petition.

8.With the above observations, these Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

18.04.2023

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.II,
Trichy.
- 2.The Inspector of Police,
Cantonment Police Station,
Trichy, Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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