



Crl.O.P.No.5488 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.5488 of 2023

&

Crl.M.P.No.3437 of 2023

1. S.Vadivel

2. V.Chandra

3. C.Ambikapathy

4. K.Kalaiyaran

... Petitioners

Vs.

1. The State represented by
The Deputy Superintendent of Police,
District Crime Branch, Salem District.

2. K.Selvi

... Respondents



Crl.O.P.No.5488 of 2023

WEB COPY

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records on the file of the Judicial Magistrate No.VI Salem in C.C.No.499 of 2021 and quash the impugned charge sheet dated 13.08.2020 emanating from F.I.R.No.20 of 2014.

For Petitioner : M/s.K.Priya

For R1 : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

For R2 : Mr.N.Umapathi

* * * * *

ORDER

This Criminal Original Petition has been filed to call for the records on the file of the Judicial Magistrate No.VI Salem in C.C.No.499 of 2021 and quash the impugned charge sheet dated 13.08.2020 emanating from F.I.R.No.20 of 2014.



Crl.O.P.No.5488 of 2023

WEB COPY

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the official respondent and the learned counsel for the private respondent and perused the materials available on record.

3. Learned counsel for the petitioners submitted that there is a civil dispute pending between the petitioners and the private respondent. In order to get an award from the civil suit, the private respondent filed false complaint as against the petitioners. Based on the false complaint, the respondent police registered a complaint and laid a charge sheet. Hence, the petitioners seek to quash the impugned charge sheet.



Crl.O.P.No.5488 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that as per the directions of this Court, a case has been registered and charge sheet has also been filed before the learned Judicial Magistrate No.VI, Salem. After scrutinizing the charges, the learned magistrate has taken the charge sheet on file in C.C.No.499 of 2021. Thereafter, the petitioners have appeared before the trial court and charges were laid over them. After framing of charges, witness summons were served on the prosecution witnesses. Now, the case is at the stage of examination of L.W.1.

5. Admittedly, there is a civil suit pending between the petitioners and the private respondent. Despite the same, the private respondent approached this Court for registering an F.I.R as against the petitioners. The respondent police based on the complaint given by the private respondent, registered a case and after completion of investigation laid a charge sheet before the Judicial Magistrate No. VI, Salem. The judicial magistrate has also taken the charge sheet on file and subsequently



CrI.O.P.No.5488 of 2023

framed the charges. Further the petitioners were participated in the proceedings before the trial court. All of a sudden, they have filed the present criminal original petition stating that for the civil dispute, the respondents have given criminal colour. Though the petitioners participated in the investigation, they neither challenged the F.I.R nor filed any discharge petition before the trial court. Now, at the stage of examination of the witnesses, the petitioners have approached this Court to quash the impugned charge sheet dated 13.08.2020. This Court is not inclined to entertain this petition, at this stage.

6. In view of the above, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioners are at liberty to workout their remedy by way of taking all their defence before the trial court.

06.11.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



WEB COPY



CrI.O.P.No.5488 of 2023

P.VELMURUGAN, J.

mfa

CrI.O.P.No.5488 of 2023
&
CrI.M.P.No.3437 of 2023



WEB COPY



CrI.O.P.No.5488 of 2023

06.11.2024