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Crl.O.P.No.22662 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM :

THE HONOURABLE JUSTICE P.DHANABAL

Crl.O.P.No.22662 of 2022

and

Crl.M.P.No.14534 of 2022

1. Subhagar
2. Arivazhagan
3. Sivakandan
4. Manokaran ..Petitioners

-VS-

1. The State represented by
the Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District. ..Respondent/Complainant
2. Kannan ..De facto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records made in charge sheet C.C.No.51 of 2021 on the file of the District Munsif cum Judicial Magistrate, Kurinjipadi, Cuddalore District.

For petitioner : Mr.A.Arikrishnan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



ORDER

WEB COPY This Crl.O.P. is filed seeking to quash the case in C.C.No.51 of 2021 on the file of the District Munsif cum Judicial Magistrate, Kurinjipadi, Cuddalore District.

2. According to the petitioners, based on a complaint of the second respondent, the first respondent has registered a case against the petitioners for the offences under Sections 448, 294 (b), 323, 341, 324 and 506 (2) of I.P.C. in Crime No.302 of 2020 and thereafter, without even conducting proper investigation, the first respondent has filed final report and the same was taken on the file of the District Munsif cum Judicial Magistrate, Kurinjipadi, Cuddalore District who taken cognizance in C.C.No.51 of 2021. There is no *prima facie* material as against the petitioners but the case has been numbered and the said C.C is pending and the same is liable to be quashed.

3. There is no representation on behalf of the second respondent.

4. The learned counsel for the petitioners would contend that the



second respondent has given a false complaint against the petitioners and based on the said complaint, the first respondent has registered a case in Crime No.302 of 2020 and thereafter, without conducting proper investigation, mechanically filed charge sheet as against the petitioners and trial Court has taken cognizance in C.C.No.51 of 2021. He further submitted that the case is now posted for examination of witnesses. The veracity of statement of witnesses and genuineness of the documents cannot be tested at this stage. Therefore, the petitioners have to face the trial.

5. Considering the nature of offences, this Court is inclined to pass orders without issuing notice to the second respondent.

6. Considering the nature of offences and also considering the fact that the trial Court has taken cognizance of the case after satisfying that there are *prima facie* materials to proceed with the case and now the case is posted for examination of witnesses. As per the final report, the *prima facie* materials are available to proceed further. The veracity of statement of witnesses and genuineness of the documents cannot be tested at this stage and hence, this Criminal Original Petition is liable to be



dismissed.

7. At this stage, the learned counsel for the petitioners requested this Court to dispense with the personal appearance of the petitioners before the District Munsif-cum-Judicial Magistrate, Kurinjipadi, Cuddalore District.

8. Considering the fact that the first petitioner is a Professor and the second petitioner is aged about 52 years, this Court is inclined to dispense with the personal appearance of the first and the second petitioners before the District Munsif cum Judicial Magistrate, Kurinjipadi, Cuddalore District and the trial Court is directed to take steps for appearance of the petitioners as and when required.

9. With the above said observations, this Criminal Original Petition is dismissed. Connected Crl.M.Ps. are closed. No costs.

22.08.2024

vca

Index : Yes/No
Internet : Yes/No



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P.DHANABAL, J.

vca

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