



CrI.O.P.(MD)No.22178 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **26.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.22178 of 2022

and

CrI.M.P.(MD).Nos.15660 & 15661 of 2022

R.Mahesh

... Petitioner / 2nd Accused

Vs.

1.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.207 of 2018)

2.S.Maheswari

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records for the charge sheet in S.T.C.No.259 of 2020, pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai and quash the same as against the petitioner alone.

For Petitioner	: Mr.S.C.Herold Singh
For R-1	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor

ORDER

This petition is filed seeking for quashment of S.T.C.No.259 of 2020 against the petitioner / Accused No.2, which is registered for the offences under Sections 269, 270 and 506 (i) of I.P.C. on a complaint



given by the Executive Officer of Keelkulam Town Panchayat,
Kanyakumari District.

2. It is alleged that the petitioner and Accused No.1 have purchased chicken and other medical waste in the eighteen tipper lorries from Accused No.3 and dumped in the land of Accused No.1 by creating health hazards. Learned counsel for the petitioner submits that the land where the waste is dumped does not belong to him, but, belonged to Accused No.1.

4. Learned Additional Public Prosecutor on the other hand, submits that, though the land belonging to Accused No.1, the statements of the witnesses would speak that Accused No.2 is also involved along with Accused No.1 while committing the offence.

5. In order to consider the application seeking quashment under Section 482 Cr.P.C., the petitioner is expected to demonstrate that even if the contents of the charge sheet are accepted to be correct, there shall be no case against the petitioner. On going through the case records, there are allegations against the petitioner along with Accused No.1. Since those allegations are required to be put to test before the



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trial Court and during the course of enquiry to decide truth or otherwise of the allegation of the prosecution, this petition seeking quashment cannot be considered. Accordingly, this Criminal Original Petition is dismissed. The petitioner is stated to be working as a Branch Manager of the Transport Corporation at Thillainagar, thereby, the presence of the petitioner is dispensed with, during the course of trial. However, the learned Magistrate is permitted to direct the petitioner to attend the Court as and when his presence is required for examination or any such purposes for smooth progression of the enquiry. Consequently, the connected miscellaneous petitions are closed.

26.07.2023

NCC: Yes/No
Index : Yes/No
Internet : Yes/No
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DR.D.NAGARJUN. J.

tsg

To

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

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