

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21167 of 2015
and MP.Nos.1,2 of 2015

Kamatchi

... Petitioner

Vs

1.State by the Inspector of Police,
Melchengam Police Station,
Melchengam,
Tiruvannamalai District.

2.M.Chakravarthi

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in SC.No.66 of 2015 on the file of
the Mahila Court, Tiruvannamalai and quash the same.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.C.Emalias, Addl. Public Prosecutor [for R1]

O R D E R

This petition has been filed to quash the proceedings in
SC.No.66 of 2015 on the file of the Mahila Court, Tiruvannamalai.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor for the 1st respondent and perused the
materials placed on record.

3. It is seen that a case in crime No.73 of 2013 under Section
307 IPC was registered by the respondent police and after completing
the investigation, a final report has been filed for offence under
Section 302 read with 120B and 302 read with 109 IPC against two
accused, challenging which, the 2nd accused is before this Court.

4. Mr.Munusamy, learned counsel appearing for the 2nd accused
submitted that a single person cannot be charged for an offence under
Section 120B IPC and therefore, the prosecution as against the
petitioner should be quashed.

5. This Court carefully perused the final report and found that, apart from the petitioner herein, there is also one other accused by name Ramesh [A1] and thus, there are two accused in this case. The provision of law cited in the final report is not the on all and end all of the prosecution case. Because, it is for the Trial Court to frame charges after perusing the final report and the accompanying documents. Therefore, the contention of the learned counsel for the petitioner that there is mistake in the final report cannot be countenanced.

6. In the result, there are no merits in the petition and accordingly, dismissed. Consequently, connected Miscellaneous Petitions are closed.

gya

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Melchengam Police Station,
Melchengam,
Tiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.C.Munusamy, Advocate SR 47693

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सत्यमेव जयते

CRL.OP.No.21167 of 2015

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