

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.10.2015
DELIVERED ON : 14.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.24690 of 2015
and
M.P.Nos.1 and 2 of 2015

1.Stalin Alias Stalin Guru
2.Murugan
3.Rajendraprasad Petitioners

Vs

1.The Inspector of Police
Roshanai Police Station
Tindivanam Taluk
Villupuram District.
2.Elumalai. Respondents

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in C.C.No.173 of 2015 pending on the file of the learned Judicial Magistrate No.I, Tindivanam and quash the Criminal Proceedings in so far as the petitioners A1 to A3 are concerned.

For Petitioners : Mr.K.Balakrishnan

For R1 : Mr.C.Emalias
Additional Public Prosecutor

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O R D E R

This petition has been filed to call for the records in C.C.No.173 of 2015 pending on the file of the learned Judicial Magistrate No.I, Tindivanam and quash the Criminal Proceedings insofar as the petitioners A1 to A3 are concerned.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. On a complaint lodged by Ezhumalai, the respondent police registered a case in Cr.No.358 of 2015 and after completing the investigation filed a Final Report in C.C.No.173 of 2015 before the learned Judicial Magistrate-I, Tindivanam for an offence under 394 IPC against three accused, challenging which the accused are before this Court.

4. Learned Additional Public Prosecutor submitted that trial in this case has commenced and four witnesses have been examined on their behalf.

5. Learned counsel for the petitioners submitted that there is contradiction in the version given in the FIR and the Accident Report and therefore, the proceedings is an abuse of process of law.

6. It is the case of the defacto complainant that on 11.07.2015 around 9.00 in the night, while he was proceeding to purchase vegetables, he was accosted by three persons who tried to remove his gold chain and he resisted their attempt. The defacto complainant managed to inform his brother over cell phone and noticing it, the assailants hit him with a stone and caused serious head injuries, on account of which he lost his consciousness. His brother came and found him lying on the road and admitted him in the hospital and at the time of admission, his brother had informed the Doctor that the incident had taken place in a road accident. The petitioner regained consciousness on the next day and he informed the police about what exactly had happened.

7. This Court finds that, when the defacto complainant was unconscious, he was admitted in the hospital by his brother who had given wrong information to the Doctor that it was road accident. This cannot be a ground to quash the prosecution of such a nature, where the accused had robbed the defacto complainant of his gold chain, cash of Rs.5,200/- and cell phone and thereafter, had assaulted him brutally. Even in the 161 Cr.P.C. statement of the defacto complainant's brother, he has stated that he found defacto complainant unconscious lying on the road and took him to the hospital thinking that it was road accident. Hence, the contention of the learned counsel for the petitioner does not warrant acceptance.

In the result, the petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms

To

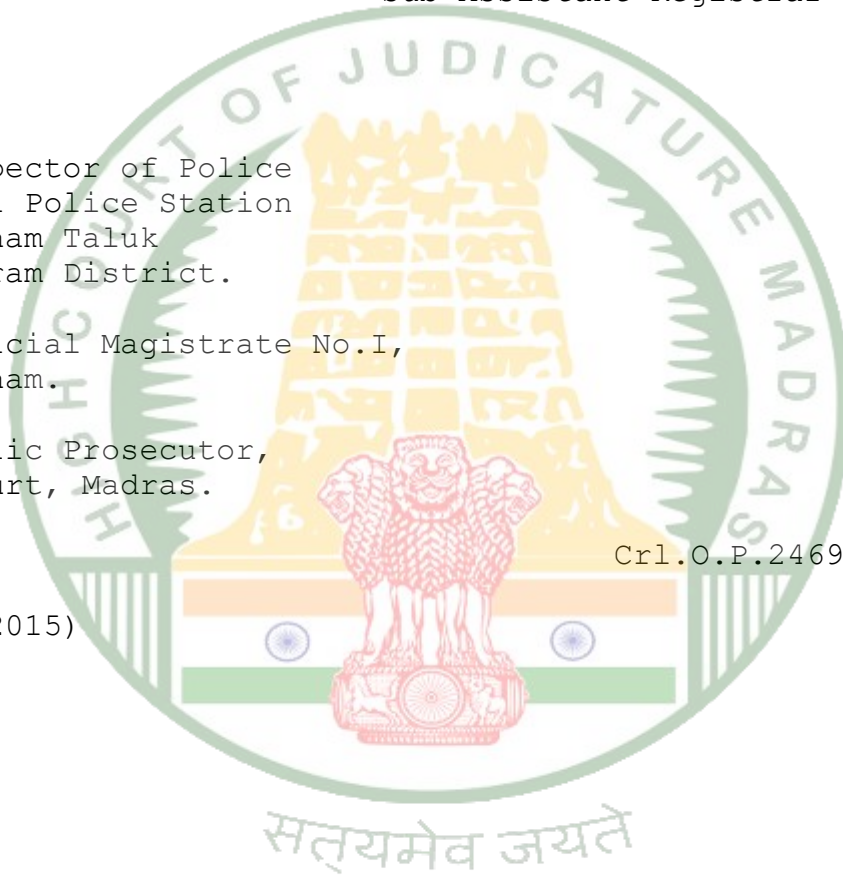
1.The Inspector of Police
Roshanai Police Station
Tindivanam Taluk
Villupuram District.

2.The Judicial Magistrate No.I,
Tindivanam.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.24690 of 2015

PPA (CO)
CA(29/10/2015)



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