



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.8.2015

CORAM:

THE HONOURABLE Ms.JUSTICE R.MALA

CRL.O.P (MD) No.15745 of 2015
and
M.P (MD) .Nos.1 and 2 of 2015

1.Boomi @ Pandian
2.Malaiyandi
3.Mamundi
4.Singaram

... Petitioners/Accused Nos.1 to 4

Vs.

1.State rep. by
Sub-Inspector of Police,
Sammattividuthi Police Station,
Pudukottai District.
(Crime No.94 of 2014)

...1st Respondent/Complainant

2.Veeraragavan

...2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C praying to call for the records pertaining to the Charge Sheet in S.T.C.No.579 of 2015 dated 20.5.2015 u/s. 294(b), 342, 323 IPC pending before the learned Judicial Magistrate, Alangudi filed by the respondent No.1 in Crime No.94 of 2014 dated 1.9.2014 on the file of the Respondent No.1 and quash the same as illegal.

For Petitioners

: Mr.R.Rajesh Kumar

For R1

: Mr.K.Anbarasan

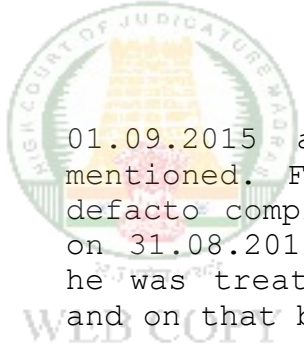
Government Advocate (Crl.Side) for R1

ORDER

The accused 1 to 4 have come forward with this application to quash the charge sheet in S.T.C.No.579 of 2015, which was filed for the offences under Sections 294(b), 342, 323 IPC stating that the complaint has been given due to previous enmity and that factum was not considered by the investigation agency during the investigation and hence, the petitioners/A1 to A4 prayed for quashing the charge sheet.

2. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl.side) appearing for the State and perused the records.

3. A perusal of records shows that on 31.08.2014 at 16 hours the alleged occurrence has been taken place and the complaint was given on



01.09.2015 at 21.00 hours and the names of the accused have been mentioned. Further more, a perusal of Accident Register shows that the defacto complainant was seen by the Doctor on 31.08.2014 at 8.15 p.m and on 31.08.2014 at 6.00 pm known persons assaulted him with wooden log and he was treated and then gone to the hospital and recorded the statement and on that basis, the case has been registered.

4. Whether the occurrence has been taken place and whether there was previous motive between both parties and due to that a false case has been registered, are the matters to be decided on examination of witnesses and the case is based on eye witness.

5. Considering the above said aspects, this Court is of the view that it is not the fit case to quash the case in S.T.C.No.579 of 2015 on the file of the learned Judicial Magistrate, Alangudi. Hence, this petition is dismissed. Consequently, M.P.s are also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Alangudi, Pudukottai District.
- 2.The Sub-Inspector of Police,
Sammattividuthi Police Station, Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

JAM/01.09.2015/2P - 4C GSV-PM/SAR -J

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