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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P. (MD)No.22235 of 2014

and

MP (MD)No.1 of 2014

1.Athiveeraramapandian

2.Velusamy

3.Marithai

4.Poosari Duraichi

5.Sivagnananachiyar

6.Muthupandi @ Muthu

.. Petitioners

.. Vs ..

1.The Sub Inspector of Police,
Puliangudi Police Station,
Puliangudi,Sivagiri Taluk
Tirunelveli District.

2.Senthurpandian

.. Respondents

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to call for the records and quash the criminal proceedings in C.C.No.330 of 2014 on the file of the Judicial Magistrate Court, Sivagiri.

For Petitioners : Mr.P.Senthurpandian

For respondents : Mr.K.Anbarasan for R1
Government Advocate(Crl. Side)
No appearance for R2

ORDER

The petitioners seek to quash the proceedings in C.C.No.330 of 2014, wherein they are accused, who are facing trial for offences under Sections 147, 148, 324, 323 and 506 (ii) IPC. Pursuant to registration of case in Crime No.330 of 2011, informing of wrongful conduct of the accused on the date of occurrence, i.e. on 06.07.2011, investigation stands completed resulting in filing of the charge sheet and the pendency of the case.



2.The learned counsel for the petitioners would submit that a false case stands foisted against the petitioners. By placing reliance on the 161(3) Cr.P.C. statement of the de-facto complainant, wherein, he had admitted to an exaggeration in preferring the complaint, and in informing that the gold chain of his wife had been done away with by the accused. The de-facto complainant had admitted that since the allegations were made against himself and his family members of their having done away with a gold chain belonging to a woman of the accused household, he has indulged in such exaggeration. Therefrom, the learned counsel for the petitioners requires this Court to draw the inference that the entire prosecution case is false. We are unable to do so and the petition is liable to be dismissed.

3.Accordingly, the Criminal Original Petition is dismissed. It is needless to state that it is open to the petitioners to raise all defences before the trial Court. Consequently connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar(c.s)

To

- 1.The Judicial Magistrate Court,
Sivagiri.
- 2.The Sub Inspector of Police,
Puliangudi Police Station,
Puliangudi, Sivagiri Taluk,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

rr/GV/21.02.15/2p/4c

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and MP (MD) No.1/2014
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