



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CRL.OP.(MD)No.23631 of 2015

and

MP(MD)No.1&2/2015

M.Ramesh,
S/o.Sonaimuthu,
Sengulathupatti Vadamadurai Village,
Vedasanthur Taluk,
Dindigul District.

: Petitioner/Accused No.3

Vs.

1.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District, Dindigul.
(Crime No.318/2015)

2.G.Harikrishnan,
S/o.Kurusamy,
Kollapatti,
Kollapatti Village, Vadamadurai,
Dindigul District.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records and quash the proceeding of the FIR in Crime No.318 of 2015 dated 03.07.2015 on the file of the 1st respondent police.

For Petitioner :Mr.R.Maheswaran

For Respondent :Mrs.S.Prabha,

Government Advocate(Crl. Side)

O R D E R

The petitioner has come forward with this petition seeking to quash the FIR in Crime No.318 of 2015 dated 03.07.2015 on the file of the 1st respondent police.

2. It is stated that the petitioner has been implicated in the case as accused Nos.1 and 2 are putting article against the police in 'Velicham' and the petitioner herein, A1 and A2 are working in 'Public Visaranai'. The police have foisted a false case against the petitioner with motive. A perusal of the complaint would go to show that nowhere it is stated that Section 394 IPC is made out against the petitioner and hence, it is liable to be set aside. It is submitted that there was no evidence against the petitioner, as he was only present in the scene and there was no allegation against the petitioner.



3. The case of the prosecution is that as many as 6 witnesses have been examined and 161(3) Cr.P.C. statement has also been recorded.

4. A perusal of the FIR makes it very clear that the petitioner and others are trying to snatch Rs.6,500/- from the victim and that the petitioner was also one of the person involved in the said incident. Though the petitioner is present in the scene of occurrence, the contention that this has been done in malafide intention is a disputed question of fact, which cannot be gone into by this Court, in view of the Judgment of the Hon'ble Supreme Court in **HMT Watches Ltd., Vs. M.A.Abida & Another** reported in **(2015(2) CTC 446)** wherein, it has been held that quashing of criminal complaint on disputed question of facts cannot be entertained and it is a matter for trial to proceed with the criminal complaints.

5. The matter is under investigation stage. Only depending upon the investigation and in case, it ends up in a charge sheet, after due evidences, the issue can be decided. Whether the petitioner is involved or not is too premature for this Court to arrive at a conclusion, at this stage. Hence, I find no reason to grant the relief as sought for by the petitioner. Accordingly, the criminal original petition is dismissed. Consequently connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

RR

To

1.The District Munsif Cum Judicial Magistrate, Vedsanthur.

2.The Inspector of Police,Vadamadurai Police Station,
Dindigul District, Dindigul.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+one cc to Mr.R.Maheswaran, Advocate in SR.No.71908

CSL/SKS-RR/04.01.2016/2P/5C

Order made in
CRL.OP.(MD)No.23631 of 2015
Dated:-15.12.2015