

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19386 of 2016

Selvi

.. Petitioner

Vs

1. State Rep. by
Inspector of Police
Kee.Vaa.Kuppam Police Station
Vellore District.

2. Utharakumar .. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the charge sheet in CC.18/2016 pending on the file of the Judicial Magistrate, Katpadi, Vellore District in Crime No.413 of 2015 on the file of the 1st respondent police.

For Petitioner : Mr.D.Thirumoorthy

For R1 : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to call for the records and quash the charge sheet in CC.18/2016 pending on the file of the Judicial Magistrate Court, Katpadi, Vellore District in Crime No.413 of 2015 on the file of the 1st respondent police.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. On the complaint lodged by Utharakumar, the second respondent herein, the respondent police registered a case in Cr.No.413 of 2015 on 14.12.2015 at 16.00 hours against 8 persons including Selvi, the petitioner herein, who is arrayed as A5.

4. On the complaint given by Selvi, the respondent police registered a case in Cr.No.414 of 2015 at 14.00 hours for the offences u/s 147, 148, 324 and 352 IPC against 11 persons.

5. After completing the investigation in Cr.No.413 of 2015, the respondent police have filed a final report in C.C.No.18 of 2016 against 5 persons including the petitioner herein for the offences u/s 147, 148, 294(b), 324 and 506 (ii) IPC before the Judicial Magistrate Court No.1, Vellore.

6. Similarly, after completing the investigation in Cr.No.414 of 2015, the police have filed a final report in C.C.No.84 of 2016 against 5 persons for the offences u/s 147, 148, 352 & 324 IPC before the Judicial Magistrate Court No.1, Vellore and thus both the trials viz., C.C.Nos.18 of 2016 and 84 of 2016 are pending for trial.

7. While so, Selvi, who is A5 in C.C.No.18 of 2016 is before this Court for quashing the prosecution on the ground that at the time of the alleged incident, she was admitted in hospital and taking treatment. That apart, the de facto complainant in the case has given a statement that he has implicated four other persons who were not there in the scene.

8. Therefore, the learned Additional Public Prosecutor submitted that in C.C.No.414 of 2015, Selvi had named several persons, whereas the police have deleted some of the offenders in C.C.No.84 of 2016. The fact remains that both the parties are accused in the case lodged by the other.

9. Hence, disputed questions of fact cannot be gone into in a petition u/s 482 Cr.P.C.

10. In the result, this Criminal Original Petition is dismissed with liberty to the petitioner to work out their remedy in the manner known to law.

Sd/-
Assistant Registrar(CS II)

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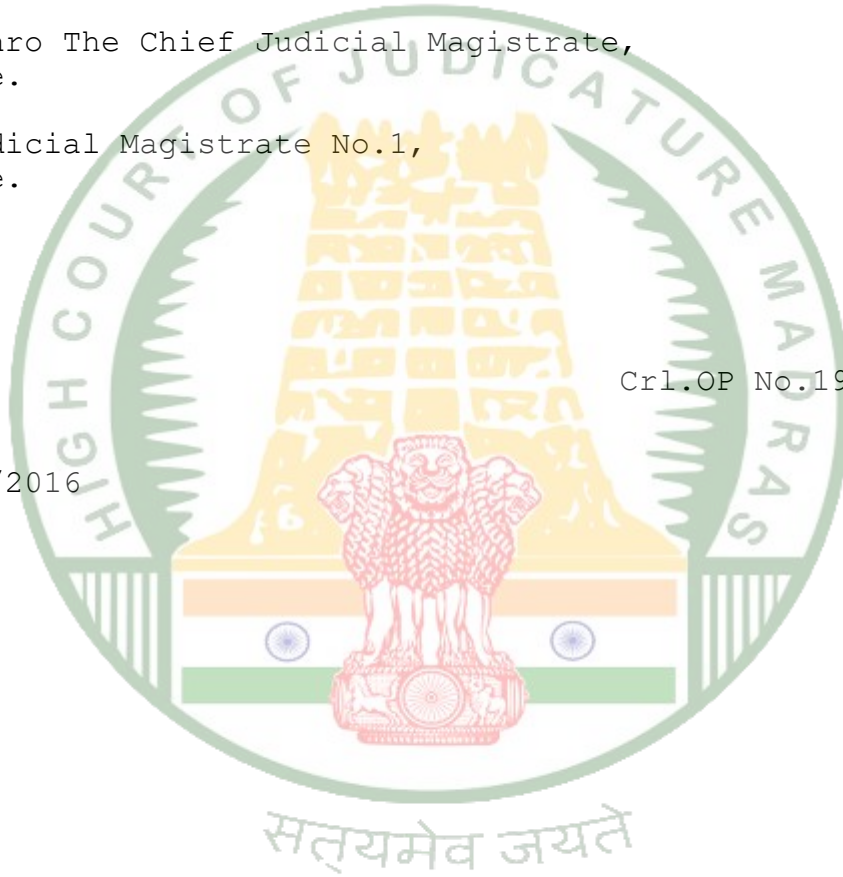
Sub Assistant Registrar

To

1. Inspector of Police
Kee.Vaa.Kuppam Police Station,
Vellore District
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate,
Katpadi.
4. -Do- Thro The Chief Judicial Magistrate,
Vellore.
5. The Judicial Magistrate No.1,
Vellore.

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srg 06/10/2016



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