

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.24295 of 2016
and
Crl.MP.No.11575 of 2016

Manikandan

...Petitioner

Vs.

1. The Inspector of Police
Gangavalli Police Station,
Attur, Salem District.

2. Thangamani

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in FIR Crime No.20 of 2016 for the charges under Section 147, 294(b), 323 and 506(ii) of IPC on the file of Inspector of Police, Gangavalli Police Station, Salem District and quash the same as illegal.

For Petitioner : Mr.A.Ramesh

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

O R D E R

This criminal original petition has been filed to call for the records in FIR Crime No.20 of 2016 for the charges under Section 147, 294(b), 323 and 506(ii) of IPC on the file of the Inspector of Police, Gangavalli Police Station, Salem District and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. On the complaint lodged by Thangamani, wife of Murugesan the first respondent police have registered a case in Crime No.20 of 2016 on 22.01.2016 under Sections 147, 294(b), 323 and 506(ii) IPC against Balan and eight others, challenging which, Manikandan (A7) is before this Court.

4. It is the case of the de-facto complainant that her nephew and the accused were playing cricket and at that time, a quarrel arose amongst the boys. Keeping that in mind, it is alleged by Thangamani that she was assaulted by the accused Ramesh.

5. Learned counsel appearing for the petitioner submitted that the petitioner is a college student and on 20.01.2016, at that time of the incident, he was in the college hostel, and that he has been falsely implicated.

6. In a quash petition, this Court cannot go into the issue of alibi. However, the career of the youngster will be spoiled if a false case is instituted against him. Bearing this in mind, the Inspector of Police is directed to conduct a thorough investigation in Crime No.20 of 2016 and if it is found that Manikandan is not involved in the case, it is needless to state that his name should be deleted from the prosecution.

With the above direction, this petition is ordered. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police
Gangavalli Police Station,
Attur, Salem District.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.24295 of 2016

NR(CO)
EU 08.12.16