

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.6572 of 2016

Mohan

.. Petitioner/A.1

... Vs ...

The State rep. by,
Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai,
Nagapattinam District. .. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records leading to the filing of the charge sheet dated 24.08.2015 in S.C.No.4/16 on the file of the Sessions Court, Nagapattinam and quash the same.

For Petitioner : Mr.O.Djearany
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner, who is the first accused, has come forward with the present petition seeking to quash the charge sheet dated 24.08.2015 in S.C.No.4/16 on the file of the Sessions Court, Nagapattinam, for the offences punishable under Sections 294(b), 323, 324, 352, 326, 342, 307 and 302 r/w.109 r/w.34 of IPC.

2. The learned counsel for the petitioner would submit that the petitioner is innocent and he was not present at the time of occurrence. The petitioner is the social activist in the locality and since the illegal activities of the de facto complainant was complained by the petitioner to the police, the de facto complainant's family, in order to take vengeance, has implicated the entire petitioner's family in this case. It is further submitted by the learned counsel for the petitioner that in this case, no independent witnesses were examined and hence,

he prayed for quashing of the charge sheet dated 24.08.2015 in S.C.No.4/16 on the file of the Sessions Court, Nagapattinam.

3. This Court heard the submissions made by the learned Additional Public Prosecutor appearing for the respondent and perused the records.

4. At the time of admission, the arguments were heard. On a perusal of the records, it is seen that on the basis of the complaint given by one Uma, a case has been registered in Crime No. 426 of 2015 for the alleged offences punishable under Sections 294(b), 323, 324, 352, 326, 342, 307 and 302, r/w.109 r/w.34 of IPC and after the investigation, a charge sheet has been levied and the petitioner's name is shown as A.1. The case is based on eye-witnesses. In this case, not only one person has been murdered but also other witnesses have sustained grievous injuries and simple injuries. So, the question as to whether the petitioner is present or not at the time of occurrence has to be decided only at the time of trial.

5. In such circumstances, I am of the view that this petition is filed only with a view to drag on the proceedings. Hence, this application deserves to be dismissed and hence, it is, hereby, dismissed. The learned Sessions Judge, Nagapattinam, is directed to dispose of the case in S.C.No.4 of 2016, as expeditiously as possible.
Jrl

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Sessions Court, Nagapattinam.

2. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai,
Nagapattinam District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.Tamilavanan, Advocate SR 22882

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