



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

Crl.O.P. (MD) .No.18436 of 2016

and

Crl.M.P (MD) Nos.9182 & 9183 of 2016

1.G.Shanmugakumar
2.G.Kannan

.. Petitioners

Vs.

1.The Inspector of Police,
Perumalpuram Police Station,
Palayamkottai,
Tirunelveli.

2.R.Jegathesh

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the entire records relating to C.C.No.255 of 2013, on the file of the Judicial Magistrate No.I, Tirunelveli and quash the same.

For Petitioners	: Mr.G.Sankaran
For R1	: Mr.K.Anbarasan, Government Advocate (Criminal side)

ORDER

This petition is filed to quash the Charge Sheet in C.C.No.255 of 2013, on the file of the Judicial Magistrate No.I, Tirunelveli.

2.The prosecution case is that on 18.08.2011 at about 7.30 a.m., both the accused had scolded the defacto complainant in filthy language and also assaulted on the left side of the head.

3.The learned counsel for the petitioners would submit that the complaint is ex-facie illegal and it was given with an ulterior motive. The accused never involved in the alleged occurrence.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Per contra, the learned Government Advocate(Crl.side) would submit that the defacto complainant has sustained injuries and



there are ample materials to prove the case against the accused and the case is now posted for trial.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent and also perused the materials available on record.

6. It is a specific case of the defacto complainant that on 18.08.2011, he was attacked and abused by the accused. The defense taken by the accused can be proved only before the trial Court and I do not find any ground to quash the charge sheet. Hence, this Criminal Original Petition is dismissed, however, the appearance of the second accused is dispensed with and he shall appear before the trial Court as and when directed by the learned Judicial Magistrate. Consequently, connected Criminal Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

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To

1. The Inspector of Police,
Perumalpuram Police Station,
Palayamkottai,
Tirunelveli.

2. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

JAM/13.10.16/DB/ 2p-3c

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