



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P. (MD) .No.19646 of 2016

and

Crl.M.P. (MD) .Nos.9909 and 9910 of 2016

P.Chinnasamy . Petitioner/Sole Accused/Sole Accused
Vs.

1. State rep. by
The Inspector of Police,
West Police Station,
Kovilpatti,
Tuticorin District.
(In Crime No.1124 of 2010) ..1st Respondent/Complainant/Complainant

2.K.Saravanan .. 2nd Respondent/Defacto Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in pursuant to the charge sheet in C.C.No.17 of 2014 on the file of the learned Judicial Magistrate No.I, Kovilpatti, dated 17.01.2012 and quash the same.

For Petitioner : Mr.P.Subburaj
For R1 : Mr.K.Anbarasan
Government Advocate (Criminal side)

ORDER

This petition is filed seeking to quash the proceedings in C.C.No.17 of 2014 on the file of the learned Judicial Magistrate No.I, Kovilpatti.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent.

3. Based on the complaint of the second respondent a case has been registered against the petitioner in Crime No.1124 of 2010 for the offences punishable under Sections 294(b), 506(i) and 379 (NP) of IPC., and after investigation, the respondent police filed final report, which was taken on file in C.C.No.17 of 2014 on the file of the learned Judicial Magistrate No.I, Kovilpatti.



4. Mr.P.Subburaj, learned counsel for the petitioner would submit that the petitioner has been falsely roped in this case. Since the complaint is motivated it is liable to be quashed.

5. Per contra, the learned Government Advocate (Crl. Side), on instructions would submit that except the Investigating Officer, the other witnesses in this case have been examined and at this stage, the case need not be quashed.

6. Considering the rival submissions made by both sides and also the stage of the case, this Court is not inclined to quash the charge sheet. Hence, the criminal original petition is dismissed. Consequently, connected M.P.(MD).No.9909 of 2016 is closed. However, the personal appearance of the petitioner in C.C.No.17 of 2014 is dispensed with and he is directed to appear before the trial court, when his presence is required by the learned Judicial Magistrate No.I, Kovilpatti.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. Judicial Magistrate No.I,
Kovilpatti.

2. The Inspector of Police,
West Police Station,
Kovilpatti,
Tuticorin District.

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

+1cc to Mr.P.Subbaraj, Advocate SR.No.61283

pjl

sm:sks-rr:9.11.2016:2P/5C

Crl.O.P(MD)No.19646 of 2016
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