



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**

Crl.O.P. (MD) .No.22857 of 2016

and

Crl.M.P. (MD) .Nos.11988 and 11989 of 2016

Davidson

.. Petitioner/Sole accused

Vs.

1. State rep. by

The Inspector of Police,

Vadaseri Police Station,

Vadaseri, Nagercoil,

Kanyakumari District.

(In Crime No.362 of 2013)

..1<sup>st</sup> Respondent/Complainant

2.Yobudoss

.. 2<sup>nd</sup> Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records as made in C.C.No.115 of 2013 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District by the first respondent in connection with Crime No.362 of 2013 on the file of the Inspector of Police, Vadaseri Police Station, Vadaseri, Nagercoil, Kanyakumari District and quash the same as devoid of merits.

For Petitioner : Mr.S.Palani Velayutham

For R1 : Mr.K.Anbarasan

Government Advocate (Criminal side)

ORDER

This petition is filed seeking to quash the proceedings in C.C.No.115 of 2013 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

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.362 of 2013 for the offences punishable under Sections 294(b), 341, 323 and 506(i) of IPC., and after investigation, the respondent police filed final report, which was taken on file in C.C.No.115 of 2013 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District.



4. The 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 out of six witnesses, three witnesses were 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 Crl.M.P.(MD).Nos 11988 and 11989 of 2016 are closed. However, the personal appearance of the petitioner in C.C.No.115 of 2013 is dispensed with and he is directed to appear before the trial court, when his presence is required by the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

2. The Inspector of Police, Vadaseri Police Station, Vadaseri, Nagercoil, Kanyakumari District.

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

+One cc to Mr.S.Palanivelayutham, Advocate, SR.No.79423

CM

RL/5C/2P/20.12.2016

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and

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