



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.3.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP(MD) No.5568 of 2016

and

Crl.M.P.(MD).Nos.2758 and 2759 of 2016

Guruvammal

... Petitioner

Vs.

1. The Inspector of Police,
T-Kallupatti Police Station,
Madurai District.
(Crime No.133 of 2015).

2. S.Muthulakshmi

... Respondents

Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge Sheet in P.R.C.No.49 of 2015 pending before the learned District Munsif Cum Judicial Magistrate, Peraiyur in Crime No.133 of 2015 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.R.Venkatesan

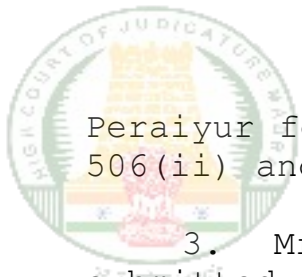
For R1 : Mrs.S.Prabha

Government Advocate(Crl.side)

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the charge sheet in P.R.C.No.49 of 2015 pending before the learned District Munsif Cum Judicial Magistrate, Peraiyur in Crime No.133 of 2015 on the file of the first respondent and quash the same as illegal.

2. It is seen that on 19.06.2015, the principal accused in this case had way laid Jayaraman (deceased) and indiscriminately attacked him on account of previous motive. On the complaint lodged by Muthulakshmi, the daughter of the deceased, the respondent police registered a case in Crime No.133 of 2015 for the offences under Sections 341, 294(b), 302 and 506(ii) of I.P.C. and after completing the investigation, had filed a final report in P.R.C.No.49 of 2015 before the learned Judicial Magistrate,



Peraiyur for the offences under Sections 120(B), 109, 341, 294(b), 506(ii) and 302 of I.P.C.

3. Mr.R.Venkatesan, learned counsel for the petitioner submitted that though the name of the petitioner is found in the F.I.R., yet the de-facto complainant has stated that action should be only as against three of the assailants, who had attacked her father.

4. In the considered opinion of this Court, the F.I.R. is not encyclopedia of the prosecution case. On reading of the final report, it is clearly stated that all the accused had conspired to commit the murder of Jeyaraman, pursuant to which, the principal accused attacked and killed Jeyaraman as aforesated.

5. Since there are sufficient materials for the trial, this is not a fit case to quash the proceedings as against the petitioner. Hence, this Criminal Original Petition is dismissed. However, the learned District Munsif cum Judicial Magistrate, Peraiyur is directed to complete the committal proceedings in P.R.C.No.49 of 2015 expeditiously. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
T-Kallupatti Police Station,
Madurai District.
2. The District Munsif cum Judicial Magistrate,
Peraiyur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Akv

CSL/SKS-RR/29.04.2016 : 2p/4c

Cr1.OP (MD)No.5568 of 2016
31.03.2016