



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.10356 of 2017

and

Crl.M.P.(MD) Nos.7097 and 7098 of 2017

1.Perumal
2.Subbulakshmi
3.Manivannan
4.Revathy

... Petitioners/ Accused 2 to 5

-Vs-

1.The Inspector of Police,
Srivilliputhur Police Station,
Virudhunagar District. ...Respondent 1/Complainant

2.Muthraman ...Respondent 2 /De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to proceedings C.C.No.3 of 2017 on the file of Judicial Magistrate No.II, Srivilliputhur and quash the same.

For Petitioners : Mr.K.P.Narayanakumar
For Respondent No.1 : Mr.K.Anbarasan
Government Advocate (Crl.Side)

O R D E R

This petition is filed for quashing the charge sheet in C.C.No.3 of 2017 on the file of Judicial Magistrate No.II, Srivilliputhur and quash the same.

2.The learned counsel for the petitioners submitted that reading of charge sheet would indicate that the complaint given by the de-facto complainant apparently false. The learned counsel for the petitioners narrated few events and submitted that the case of de-facto complainant is improbable.

3.This Court has repeatedly held that on the basis of <https://hcservices.hcscs.gov.in/hcservices/> on the basis of the version of accused, the charge sheet in a criminal case cannot be quashed. When the facts are disputed, it can be resolved only after giving full opportunity to



the parties concerned and considering the entire evidence. It is only the Court which can decide the truth and veracity of the allegations and appreciation of evidence.

4. In such view of the matter, this Court is not inclined to quash the charge sheet. This Court is also able to see some *prima facie* case in favour of the petitioners. Hence the presence of the petitioners are dispensed with unless or until the presence is specifically required by order of Court. The Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
Srivilliputhur Police Station,
Virudhunagar District.
2. The Judicial Magistrate No. II,
Srivilliputhur,
Virudhunagar.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

gsp/cmr
RL/4C/2P/MR/KKR/SAR1/29/8/2017

Cr1.O.P. (MD) No.10356 of 2017
and
Cr1.M.P. (MD) Nos.7097 and 7098 of 2017