



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.08.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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Crl.O.P.(MD) No.11046 of 2017
and
Crl.M.P(MD)Nos.7547 & 7548 of 2017

1. P.Sanmugapriya
2. M.Chitra

... Petitioners/Accused Nos.3&4

-Vs-

1. State represented through
The Inspector of Police,
Theni Police Station,
Theni.
Crime No.1801/15

... 1st Respondent/Complainant

2. S.Selvakumar

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to quash the charge sheet in C.C.No.84 of 2016 on the file of the Judicial Magistrate, Theni with regard to these petitioners.

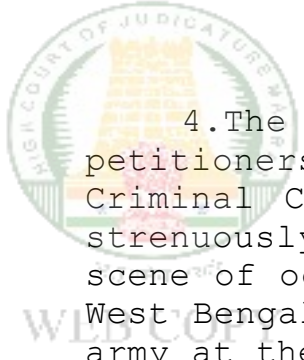
For Petitioners : Mr.C.M.Arumugan
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).

O R D E R

This Criminal Original petition has been filed, to quash the charge sheet in C.C.No.84 of 2016 on the file of the Judicial Magistrate, Theni.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent.

3.On the basis of the complaint given by the second respondent/de-facto complainant, a case was registered in Crime No.1801 of 2015, before the first respondent police for the offences punishable under Sections 341, 294(b) and 506(ii) of IPC. After filing the charge sheet, the case was taken on file in C.C.No.84 of 2016 on the file of Judicial Magistrate, Theni.



4.The petitioners are accused Nos. 3 and 4 and the case of the petitioners is that they have been falsely implicated in the Criminal Case. The learned counsel appearing for the petitioners strenuously argued that the petitioners were not there at the scene of occurrence as they were residing in the Army Quarters, at West Bengal, with the first petitioner's husband who is serving in army at the time of occurrence.

5.The learned counsel appearing for the petitioners relied upon the letter dated 05.01.2016 which was sent by the Camp Commandant to the District Collector, Theni. In the letter it was informed that one individual is harassing the parents and the wife of Mr.Premkumar, who is the soldier serving in the Unit under the Lieutenant Colonel, Camp Commandant, who wrote the said letter. Reading of the letter interestingly replicated the version of the first petitioner's husband Mr.Prem Kumar. The office who has written the letter may be competent to speak about the whereabouts of the army officer who is serving under his Command and he is not competent to give a certificate as to the residence or dwelling of the petitioners at the time of incident. The statement found in the letter is only on the basis of information furnished to the officer concerned by the said Prem Kumar, who is the husband of the first petitioner.

6.The learned counsel appearing for the petitioners relied upon a similar communication that was received from the same Camp Commandant addressed to the Judicial Magistrate concerned. Having regard to the contents of the letter, this Court is of the view that the no credence could be given at this moment, as they appear to be based on the statement furnished by the first petitioner's husband to the officer concerned. Apart from that the letters now produced before this Court by the petitioners can be considered as piece of evidence to check out the alibi of the petitioners. With regard to the non-involvement of the petitioners, these can be decided only on the basis of the materials and evidences at the time of trial. Hence, the petition has no merits and the same stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

7.However, taking into consideration that the petitioners being women, this Court is inclined to dispense with the presence of the petitioners, unless or until the presence of the petitioners is specifically required by an order of the Court below.

Sd/-
Assistant Registrar (Crl Side)



To

1. The Judicial Magistrate,
Theni.

2. -Do- Thro' Chief Judicial Magistrate,
Theni.

3. The Inspector of Police,
Theni Police Station,
Theni.

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

+ 1 CC TO MR.C.M.Arumugan, ADVOCATE IN SR No.74467

Cmr/lrs

MK/KK/SAR-3/3p/6c/18.09.2017

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