



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11263 of 2017

and

CRL.M.P.(MD)No.7746 of 2017

1.Arul

2.Immanuvel Ponraj @
Immanuvel Ponsingh

3.Jeyaseelee

... Petitioners/Accused 2,3 & 4

-Vs-

1. The State represented by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(In Crime No.274 of 2013)

... Respondent No.1

2. Jesukumar

... Respondent No.2 /Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with the proceedings in S.C.No.657 of 2016 on the file of the Learned III Additional District and Sessions Court, Tirunelveli and quash the same as illegal as against the petitioners.

For Petitioners : Mr.R.Alagumani

For Respondent-1 : Mr.K.Anbarasan,

Government Advocate(Crl.Side)

O R D E R

This Criminal Original petition is filed to quash the charge sheet in S.C.No.657 of 2016 on the file of the Learned III Additional District and Sessions Court, Tirunelveli.

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

3. The petitioners herein are accused Nos.2, 3 and 4 in Crime No.274 of 2013, which was registered against the petitioners for offence under Sections 338, 323, 324 and 307 of Indian Penal



Code and Section 120(b), 326, 302 r/w 34 of the Indian Penal Code. After preliminary investigation and based on evidence collected during investigation, the charge sheet was also filed and the case was taken on file in S.C.No.657 of 2016.

4. The case of the petitioners is that the first accused is the son of the third petitioner, who is the fourth accused. It is stated that the first accused is also no more. On the date of occurrence, it is only the first accused, who attacked deceased. However, the complaint is that attack on the deceased was done on the instigation of the third petitioner and his other sons in connection with some dispute. In all the statements obtained from the witnesses, the petitioners have been shown as the persons, who are responsible for the incident. The charge sheet specifically refers to the involvement of the petitioners under Sections 120(b) and Section 302 r/w 34 of IPC.

5. The contention of the learned counsel for the petitioners is that all the petitioners are not present on the date of incident and that there was no specific allegation of the attack on the deceased by any of the petitioners.

6. The learned counsel for the petitioners is ignoring the specific statement against the petitioners that the first accused threatened earlier and at the instigation of the petitioners, he committed crime along with another person. The statement obtained from the witnesses also shows specific reference to the involvement of the petitioners.

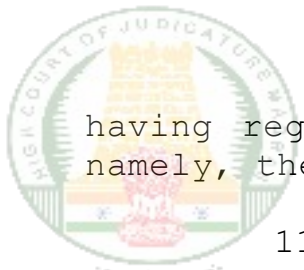
7. In such circumstances, based on probabilities, it is not possible to appreciate the arguments of the learned counsel for the petitioners. It is true that the third petitioner is a woman aged about 67 years. It is also stated that the second petitioner is a teacher. Though the petitioners might not be present at the place of occurrence, the charges against the petitioners under Section 120(b) and 34 makes them responsible if the allegations are true.

8. This Court is of the opinion that there is prima facie case and there is no valid ground to invoke the jurisdiction under Section 482 Cr.P.C. to quash the charge sheet. No legal infirmity is pointed out by the learned counsel for the petitioners except factual submissions denying the facts regarding statements obtained from the witnesses found in the charge sheet.

9. In view of the above circumstances, this Criminal Original Petition is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. Consequently, the

<https://hccourt.gov.in/cases>

10. The learned counsel for the petitioner submitted that



having regard to the age, the presence of the third petitioner, namely, the fourth accused, may be dispensed with.

11. Request of the learned counsel for the petitioners appears to be genuine and therefore, the presence of the third petitioner is dispensed with for the present, unless her appearance is specifically required by order of Court.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

+1 CC to Mr.R.Alagumani, Advocate SR.No. 30635

SM/SSS

TE/MR-KKR/SAR-I : 10/10/2017 : 3P/3C

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