

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:22.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

**CRL.O.P. (MD)No.12569 of 2017 and
Crl.M.P (MD) .Nos.8647 and 8648 of 2017**

1.G.Mohankumar
2.A.Dharmaraj
3.G.Srikumar
4.P.Gopalan
5.N.Sajjin
6.P.Sreejith
7.S.Vijin

... Petitioners/A1 to A7

-Vs-

1.The State of Tamil Nadu
rep. by the Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

... Respondent/Complainant

2.S. Kumaresan

... Respondent/Defacto Complainant

PRAYER:Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Charge Sheet in C.C.No.208 of 2015 on the file of the learned Judicial Magistrate, Padmanabhapuram and quash the same.

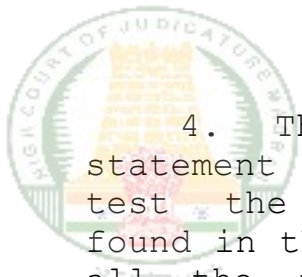
For Petitioners : Mr.C.K.M. Appaji
For Respondent No.1 : Mr.C.Ramesh
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed for quashing the Charge Sheet in C.C.No.208 of 2015 on the file of the learned Judicial Magistrate, Padmanabhapuram and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

3. Though the First Information Report has been filed and the Charge-Sheet refers to cognizable offence committed by the petitioners, the case of the petitioners is that the petitioners were also injured and that they have also given a complaint against the de facto complainant in the present case. The further case of the petitioners is that the petitioners are not involved in any offence and that a false case has been registered against the petitioners.



4. The petition is to quash the Charge Sheet. The statement of the accused cannot be taken into account, to test the truth or otherwise in the averments that are found in the complaint. This Court at this stage will not consider all the factual issues on probabilities. Except denying the charges and the statement that were obtained from the witnesses in connection with the Charge-Sheet, the petitioner has not made out any case since the petition is only an attempt to delay the process, this petition is liable to be dismissed.

5. Accordingly, the Criminal Original Petition is dismissed with cost. Consequently, connected Miscellaneous Petitions are closed. The petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) towards cost to the credit of the Hon'ble Chief Justice Relief Fund, Madras High Court, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Padmanabhapuram.
2. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Accounts & Bills Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. C.K.M.APPAJI, Advocate, SR.No.80590.

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