



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:07.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
CRL.O.P. (MD) No.15027 of 2017

VENKATESH

: Petitioner

-Vs-

1.The State rep. by its
The Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No.1009 of 2017)

2.Ramalakshmi

: Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code to call for the First Information Report dated 06.10.2017 in Crime No.1009 of 2017, on the file of the first respondent and quash the same as illegal and devoid of merits as against the petitioner.

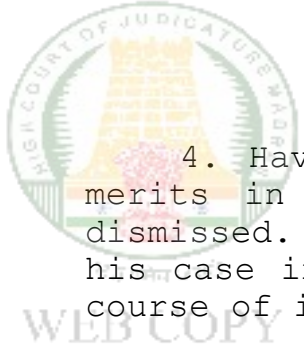
For Petitioner : Mr.M. Jegadeeshpandian
For Respondent : Mr.C. Mayilvahana Rajendran
Additional Public Prosecutor

O R D E R

This petition is filed to quash the First Information Report in Crime No.1009 of 2017 pending on the file of first respondent.

2. The petitioner is arrayed as fourth accused in Criminal complaint, which was registered in Crime No.1009 of 2017 for the offences under Sections 147, 148, 341 and 302 of IPC. It is the case of the learned counsel appearing for the petitioner that the petitioner, who is arrayed as 4th accused is an Engineering Student and that he is nothing to do with the crime that was registered on 06.10.2017. It is the further case of the petitioner that he has materials to show that he was in the college at the time of occurrence and that is set out by substantial evidence on merits.

3. The contention of the petitioner with regard to the petitioner's involvement is a matter for evidence and the respondent may check out alibi at the appropriate time in the course of investigation. The complaint clearly discloses cognizable offences against every accused in the complaint. It is open to the petitioner to establish his innocence at the time of trial. Merely because the petitioner is a student, no indulgence can be shown at the stage for quashing the criminal complaint as against the petitioner, On the basis of the submission of the learned counsel appearing for the petitioner that he has substantial evidence to show that the petitioner was not there at the time of occurrence, the complaint cannot be quashed at this stage.



4. Having regard to the facts, this Court does not find any merits in this case. Hence, the Criminal Original Petition is dismissed. However, liberty is given to the petitioner to establish his case in defence at the appropriate time of trial or during the course of investigation.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Theppakulam Police Station,
Madurai City.

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

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TRP

JM/SV MMS/SAR 2/20.11.2017/2P/3C