



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Cr1.O.P.(MD) .No.15104 of 2017

and

Cr1.M.P.(MD) Nos.10052 and 10053 of 2017

D.Vigneshwaran

... Petitioner/Accused No.2

Vs.

1.State Represented by the
Inspector of Police,
Nilakaottai Police Station,
Dindigul District.
(Crime No.338 of 2015)

...Respondent No.1/Complainant

2.G.Guruvaiya

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the charge sheet in C.C.No.156 of 2017 on the file of the learned Judicial Magistrate, Nilakottai in First Information Report in Cr.No.338 of 2015 dated 06.09.2015 on the file of the respondent No.1 registered under Sections 406, 420, 294(b), 323 and 506(i) IPC and quash the same as illegal as against the petitioner.

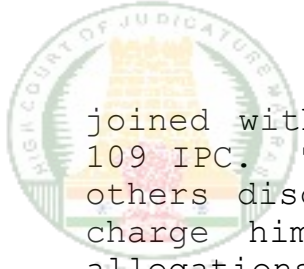
For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.C.Mayilvagana Rajendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for quashing the charge sheet in C.C.No.156 of 2017 on the file of the learned Judicial Magistrate, Nilakottai, insofar as petitioner is concerned.

2.On the basis of complaint lodged by the second respondent as against the petitioner and others, it appears that a case was registered in Cr.No.338 of 2015 by the first respondent for the alleged offences under Sections 406, 420, 294(b), 323 and 506(i) IPC. After completing the investigation, a charge sheet was filed and the same was taken on file in C.C.No.156 of 2017 before the learned Judicial Magistrate, Nilakottai, for the alleged offences under Sections 406, 420, 294(b), 323 and 506(i) IPC r/w 109 IPC.

3.The learned counsel for the petitioner states that the second accused is not involved any offence and there was no allegation even in the charge sheet as against the second accused. However, it is stated that the second accused had



joined with the first accused and committed offence under Section 109 IPC. The statements obtained from the de-facto complainant and others disclose specific allegations against the second accused to charge him for the offences. The truth or otherwise of the allegations cannot be gone into at this stage. The second accused is none else than the son of the first accused. In these circumstances, the de-facto complainant should be given full opportunity to prove his case as against the petitioner. No other legal ground is made by the learned counsel for the petitioner to sustain the petition to quash the criminal complaint. As a result, the Criminal Original Petition is dismissed.

4. Considering the nature of the offence alleged as against the petitioner and also the fact that the petitioner is a student, the appearance of the petitioner is dispensed with unless and until his presence is specifically required by an order of Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORD)

/True Copy/

Sub Assistant Registrar

To

1 The Judicial Magistrate, Nilakottai.

2 -Do- Thro' the Chief Judicial Magistrate, Dindigul.

3 The Inspector of Police, Nilakottai Police Station,
Dindigul District.

+1cc to Mr.T.LAJAPATHI ROY Advocate in SR. No. 86142

MM

JS/SV.MMS/SAR.2/23.11.2017/2P-5C

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