



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.15337 of 2017
and

CRL.MP.(MD) Nos.10194 and 10195 of 2017

Mariappan ...Petitioner /2nd Accused

Vs.

1.The State represented by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli. ... 1st Respondent / Complainant

2.Subramanian ... 2nd Respondent / De-facto
Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C.No.153 of 2017 before the learned Judicial Magistrate No.IV, Tirunelveli as against the petitioner / 2nd accused and quash the same.

For Petitioner : Ms.K.Abiya
For R1 : Mr.A.Ramar
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to call for the records relating to the charge sheet in C.C.No.153 of 2017 pending on the file of the learned Judicial Magistrate No.IV, Tirunelveli as against the petitioner / 2nd accused and quash the same.

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

3.A complaint was lodged by the second respondent, as against the petitioner and others, for the alleged offences punishable under Sections 294(b), 323, 341, 506(ii) IPC. Later on, it was altered into Sections 294(b), 341 and 506(ii) IPC. After completion of investigation, a charge sheet was filed and the same was taken on file in C.C.No.153 of 2017 by the learned Judicial Magistrate No.IV,



4.It is the case of the petitioner that he is the second accused in the criminal complaint, who has not involved in the crime and the allegations and the overt-act is only against the first accused.

5.On a reading of complaint as well as the charge sheet, however, shows that the petitioner is also involved in the crime and that the allegations are against both accused. The overt-act against the petitioner also evidenced from the charge sheet. This Court, at this stage, cannot decide the truth or otherwise in the statement, found in the charge sheet. Further in this case, charges were also framed after further investigation and the statement was also obtained from all other witnesses. No other legal submissions is made by the learned Counsel for the petitioner to entertain this petition to quash the charge sheet. Hence, the Criminal Original Petition is dismissed as devoid of any merits. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Judicial Magistrate No.IV,
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

+One cc to M/s.K.Abiya, Advocate, SR.No.86397

cmr

RL/5C/2P/JC/SAR3/24/11/2017

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