



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.11.2017

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CORAM:
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.15811 of 2017
and
CRL.M.P.(MD) Nos.10508 and 10509 of 2017

Jayaraman

... Petitioner

Vs.

1.The State represented by its,
Assistant Superintendant of Police,
Pattukottai Sub-Division,
Thiruchitrambalam Police Station,
Thanjavur District.
(Crime No. 269 of 2016)

...1st respondent/
Complainant

(Amended as per order of this
Court made in Crl.M.P.(MD)No.
10760 of 2017 in Crl.O.P.(MD)No.
15811 of 2017, dated 24.11.2017.

2.Mounika

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the charge sheet and quash the same in S.S.C.No.126 of 2017 on the file of First Additional District and Sessions Court (PCR), Thanjavur as against this petitioner.

For Petitioner
For Respondent

: Mr.N.Balakrishnan
:Mr.K.S.Durai Pandian
Additional Public Prosecutor
(For R1)

ORDER

The Criminal Original Petition is filed to call for the charge sheet and quash the same in S.S.C.No.126 of 2017 on the file of First Additional District and Sessions Court (PCR), Thanjavur as against this petitioner.



2. Heard Mr.N.Balakrishnan, learned Counsel for the petitioner and Mr.K.S.Durai Pandian, learned Additional Public Prosecutor appearing for the first respondent.

3. Based on the complaint given by the second respondent, a case was registered in Crime No.269 of 2016 for the offences punishable under Sections 294(b) I.P.C. r/w 3(1)(r), 3(1)(s), 3(1)(W)(ii), 3(2)(Va) of SC/ST (POA) Amendment Act 2015 and charge sheet was also filed in S.S.C.No.126 of 2017, on the file of First Additional District and Sessions Court (PCR), Thanjavur.

4. The learned counsel for the petitioner referred to the statement obtained from the de-facto complainant under Section 161 (3) Cr.P.C. and pointed out that there is discrepancy in the statement of the de-facto complainant. It is further submitted that there is inconsistency in the complaint and therefore, this Court can take note of the said discrepancy and quash the charge sheet in S.S.C.No.126 of 2017 on the file of the First Additional District and Sessions Court (PCR), Thanjavur.

5. The learned counsel for the petitioner further submitted that the petitioner himself was a victim and he was taken by the close relatives of the de-facto complainant and he has not committed any offence as alleged by the de-facto complainant. According to the learned counsel for the petitioner, the complaint lodged by the second respondent is nothing but a complaint counter to the earlier complaint given by the petitioner as against the relatives of the second respondent. He would further submit that the investigation was not properly conducted by the first respondent police.

6. The submission of the learned counsel for the petitioner cannot be considered as the factual issues cannot be decided in a petition filed under Section 482 Cr.P.C. The charge sheet has been filed only after conducting investigation and recording the statements from several persons. The factual issues can be considered only at the time of trial. Hence, this Court is of the view that the petition is devoid of merits and therefore, the same is liable to be dismissed.

7. At this juncture, the learned counsel for the petitioner submitted that the petitioner is a student who is studying Engineering and therefore, indulgence may be shown to the petitioner and his personal appearance of the petitioner before the Court may be dispensed with.

<https://hcservices.ecourts.gov.in/hcservices/>

8. In fine, the Criminal Original Petition shall stand dismissed. However, the personal appearance of the petitioner is



dispensed with for the present unless and until the appearance of the petitioner is required by an order of Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/True copy/

Sub Assistant Registrar

To

1.The Assistant Superintendant of Police,
Pattukottai Sub-Division,
Thiruchitrambalam Police Station,
Thanjavur District.

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

+1cc to Mr.N.BALAKRISHNAN, Advocate, SR.90288

CRL.OP.(MD) No.15811 of 2017
29.11.2017

GSP

KK/SV MMS/SAR4/12.01.2018/ 3P- 4C/