



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP. (MD) .No.17805 of 2017

and

CRL.M.P (MD) No.11626 of 2017

1.Muthuvel
2.M.Vadivel
3.Pappathi

... Petitioners/Accused Nos.1 to 3

Vs.

State through

1.The Sub-Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.45 of 2015)

... 1st Respondent/Complainant

2.P.Sakthivel

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.264 of 2016 on the file of the learned Judicial Magistrate No.II, Virudhunagar and to quash the proceedings as against the petitioners.

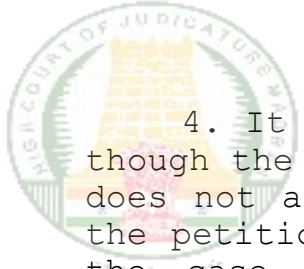
For Petitioners : Mr.L.Prabhu
For R-1 : Mr.K.S.Durai Pandian,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for quashing the Charge Sheet in C.C.No.264 of 2016 on the file of the learned Judicial Magistrate No.II, Virudhunagar, as against the petitioners.

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

3. On the basis of the complaint lodged by the second respondent, a case was registered as against the petitioners in Crime No.45 of 2015 for the alleged offences under Sections 324, 294 (b), 355 and 506(ii) of I.P.C. After filing Charge Sheet, the case was taken on file in C.C.No.264 of 2016 on the file of the learned Judicial Magistrate No.II, Virudhunagar.



4. It is stated by the learned counsel for the petitioners that though the Charge Sheet was filed and the case was taken on file, it does not attract Section 506(ii) of I.P.C. The learned counsel for the petitioners further states that medical evidence do not support the case of the prosecution. It is also submitted that the statement of witnesses are not corroborating. It is also submitted by the learned counsel for the petitioners that there was a long delay of more than one month in registering the complaint after incident.

5. The learned counsel for the petitioners raised several other factual submissions. However, no legal ground is made to sustain this petition. From the allegations made against the petitioners, the petitioners cannot contend that no criminal offence is made out. The defacto complainant also should be given an opportunity to prove his case. This Court cannot entertain the petition to quash the criminal case purely on the ground that the facts stated in the Charge Sheet are false. Since the learned counsel for the petitioners made his submission without any materials, this Court is not inclined to entertain this petition.

6. The Criminal Original petition is dismissed, accordingly. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.II,
Virudhunagar.
- 2.The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.
- 3.The Sub-Inspector of Police,
Amathur Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.L.PRABHU, Advocate SR.No.94532.

Cr1.O.P. (MD) .No.17805 of 2017
22.12.2017