



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.03.2017
CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

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Crl.O.P.(MD)No.2803 of 2017
and
Crl.M.P.(MD)No.2145 of 2017

Thangapandi,
S/o. Arul Raj,
157, Malayan Street,
Thenkasi,
Tirunelveli District.

: Petitioner/Accused

Vs.

1.The State rep. by,
The Inspector of Police,
Thenkasi Police Station,
Tirunelveli District,
(Crime No.325/2015)

.Respondent/Complainant

2.Murugan,
S/o.Ramaiah,
169/97 A Puliur Street,
Keelapuliur,
Tirunelveli District.

: Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to admit this quash petition on file to call for the records in Crime No.325 of 2015 on the file if the Inspector of Police, Thenkasi, Tirunelveli District and quash the same against this petitioner.

For Petitioner : Mr.V.Kathirvelu, Senior Counsel for
Mr.K.Prabhu
For Respondent : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by Murugan, the respondent police registered a case in Crime No.325 of 2015 for offences under sections 147, 148, 294(b), 323, 506(ii) of Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Women Harassment Act on 10.07.2015 against 30 persons, challenging which, the petitioner is before this Court.

<https://hcservices.ecourts.gov.in/hcservices> Mr.V.Kathirvelu, learned senior counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side).



3. Mr. P. Sankaran, Special Sub-Inspector of Police, Tenkasi Police Station is also present today.

4. At the outset, it is seen that the name of the petitioner does not figure in the First information Report. However, the learned Government Advocate (Crl. side) submitted that the investigation is at a crucial stage and out of eleven identified by the police, five persons have been arrested. He also produced the Case Diary, which shows that the offences have also been altered and offences under SC/ST Act have been included. Therefore, this Court cannot divulge the details in the Case Diary to the petitioner and let him know whether he would be made as an accused in the case.

5. The learned counsel for the petitioner submitted that the petitioner has been selected as a Carpenter to work in the Indian Army and has to join the same.

6. In the considered opinion of this Court, it is open for him to join the service and as and when his name is included in the prosecution list, it is again open for him to work out his remedy in the manner known to law.

7. Since there are *prima facie* materials in the case, this is not a fit case to quash the same in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana and others V. Bhajan Lal and others reported in 1992 Supp(1) SCC 335.

8. With the above observations, this petition stands dismissed. Consequently connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
Thenkasi Police Station,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+One cc to Mr. K. Prabhu, Advocate, SR.No.14676

MR/RR

RL/4C/2P/MR/SAR3/4.4.2017