



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.5339 of 2017 &

Crl.M.P. (MD).Nos.3763 and 3764 of 2017

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1.Vishnukumar @ Vishnu
2.Kumaresan
3.Esakkimuthu
4.Jeyamurugan
5.Esakkimuthu
6.Sathiyaraj
7.Rasukutty
8.Anand

: Petitioners/Accused Nos.1 to 8

-Vs-

1.State Rep by
The Sub Inspector of Police,
Kurumpur Police Station,
Tuticorin District,
Crime No.92 of 2015

:Respondent/Complainant

2.Murugesan :Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in proceedings in C.C.No.487 of 2015 before the learned Judicial Magistrate Court, Srivaikuntam and quash the same as against the petitioners.

For Petitioners

: Mr.A.Robinson

For Respondent

:Mr.K.Anbarasan

Government Advocate (Crl.Side)
for R.1

O R D E R

On the complaint lodged by Murugesan, the respondent police registered a case in Crime No.92 of 2015 on 29.05.2015 and after completing the investigation, the police have filed charge sheet in C.C.No.487 of 2015 before the learned Judicial Magistrate, Srivaikuntam against the petitioners/accused for the offence under Sections 147, 294(b), 323, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act. For quashing which, the petitioners/accused are before this Court.

2. Heard the learned counsel for the petitioners and the

learned Government Advocate for the respondent police.



3. The learned counsel for the petitioners submitted that the entire prosecution is a malafide exercise of power, inasmuch as there is a counter case registered against the opposite party in Crime No.91 of 2015. Therefore, he submitted that the present prosecution should be quashed.

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4. The learned Government Advocate refuted the contention.

5. On a reading of Charge sheet, it is seen that an incident had taken place on 28.05.2015 at 9 p.m. , in which 3 persons were injured. The Doctor certificate also speaks about the nature of the injuries suffered by three persons. Thus, there are prima facie materials in the charge sheet. The same cannot be quashed on the ground that a counter case has been registered against the opposite party in Crime No.91 of 2015.

6. In the result, this petition is dismissed with liberty to the petitioners to raise all the points before the Trial Court during Trial. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD II)

/True copy/

Sub Assistant Registrar

To

1. The Sub Inspector of Police,
Kurumpur Police Station,
Tuticorin District.

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

+1cc to Mr.A.Robinson,Advocate,SR.61437

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JIKR

KK/KP/SAR1-30.06.2017-2P-4C