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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.06.2017
CORAM

THE HON'BLE MR. JUSTICE P.N. PRAKASH
Crl.O.P. (MD) No.5466 of 2017

and
Crl.M.P. (MD) Nos.3856 and 3857 of 2017

Sevugan ... Petitioner/1st Accused
-vs-

1.State represented by,
The Sub-Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(Crime No.255/2009) ... 1st Respondent/Complainant

2.Thangarasu ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in C.C.No.301 of 2009 on the file of the Judicial Magistrate, Karaikudi and quash the same as against the petitioner herein.

For Petitioner : Mr.P.Muthusamy
For Respondent : Mr.K.Anbarasan, for R1
Government Advocate (Crl. Side)

O R D E R

On the complaint lodged by one Sevugan, the respondent police registered a case in Crime No.254 of 2009 under Sections 294(b), 323, 325 and 506(i) IPC against Thangarasu and others. On the complaint given by Thangarasu, the respondent police registered a case in Crime No.255 of 2009 under Sections 294(b), 323 and 506(i) IPC against Sevugan and two others. After completing the investigation in both the cases, the respondent police filed two chargesheets, namely in Crime No.254 of 2009 - C.C.No.305 of 2009 and in Crime No.255 of 2009 - C.C.No.301 of 2009, both before the Judicial Magistrate, Karaikudi. Challenging the prosecution in C.C.No.301 of 2009 in Crime No.255 of 2009, Sevugan is before this Court.

2. Today, Mr.A.Sekarmuniyappan, Special Sub-Inspector of Police, Sakkottai Police Station, Sivagangai District, is present before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent.

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

4. The learned counsel for the petitioner submitted that



there are no materials as against the petitioner and therefore, the final report should be quashed.

5. On a reading of the Chargesheets, it is seen that on 28.08.2009, there was a fight between two families, resulting in injuries to both sides. That is the reason why the police have registered two cases and filed two chargesheets. In C.C.No.301 of 2009, the defacto complainant, Thangarasu had suffered injuries. Thus, when there are prima facie materials, the prosecution cannot be quashed. It is brought to the notice of this Court that Shanmugam (A2) and Thangaraj(A3) are not in India and they are abroad and therefore, Non bailable warrant is pending against them and hence, the trial did not proceed. Sevugan has filed an affidavit dated 07.06.2017, wherein, he has stated as follows:-

".....Non Bailable Warrant also issued against the 2nd and 3rd accused, they are none other than the 2nd accused is my son and the 3rd accused is my brother's son, both are working at Abroad very soon within 6 months, they have been come back to the native place and ready to appear the Trial Court and they have been obey the Trial Court order. I have also given assurance to produce the 2nd and 3rd accused before the Trial Court within 6 months and complete the trial in C.C.No.301/2009."

7. Recording the same, this petition is closed with a further direction to the trial Court to complete the trial in C.C.No.301 of 2009 in Crime No.255 of 2009 within six months from the date of appearance of Shanmugam (A2) and Thangaraj (A3) before the trial Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Karaikudi.
- 2.The Sub-Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s. P.MUTHUSAMY Advocate in SR. No.59325

MRN/RR

JS/KP/SAR.3/14.6.2017/2P-5C

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