



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.7425 of 2017 &
Crl.M.P. (MD) .Nos.5064 and 5065 of 2017

Saravanan : Petitioner/Accused No.1

-Vs-

- 1.The Inspector of Police,
B6, Jaihindpuram Police (L & O) Station,
Madurai. : 1st Respondent/Complainant
- 2.A.Manoharan
(Head Constable, 1093)
B6, Jaihindpuram Police (L & O) Station,
Madurai. : 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to quash the charge sheet filed by the 1st respondent police in connection with the case in C.C.No.128 of 2013 on the file of the Judicial Magistrate No.IV, Madurai and set aside the same as illegal.

For Petitioner : Mr.S.Sukumar
For Respondents : Mr.K.Anbarasan for R1
Government Advocate(Crl.Side)

O R D E R

On a complaint lodged by one Manoharan, the respondent police registered a case in Cr.No.877 of 2010 on 27.10.2010 under Sections 353, 294(b) and 307 IPC and after completing the investigation charge sheet has been filed in C.C.No.128 of 2013 before the learned Judicial Magistrate No.IV, Madurai, for altered offences under Sections 353, 323, 506(i) and 294(b) IPC and Sections 184 and 122 of Motor Vehicles Act against 3 accused. Challenging which, the accused/A1 has filed the present petition.

2. Heard Mr.S.Sukumar, learned counsel for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Criminal Side) for the first respondent.

3. On a reading of the charge sheet it is seen that when the police party headed by the Inspector of Police were on duty in Bharathiyar Road, the accused came in a motor cycle bearing registration No.TN 58 L 1591. They were riding triples. Therefore, Head Constable asked them to stop the vehicle instead of stopping the vehicle they barged on him, resulting in



some injuries to Manoharan. Therefore, the First Information was registered for serious offences. After obtaining the medical report, the charges have been filed for lesser offences.

4. Mr.S.Sukumar, learned counsel for the accused submitted that the Inspector, ought not to have conducted the investigation in this case, inasmuch as he is an interested person and he was physically present at the spot.

5. In the considered opinion of this Court this issue has already been decided by the Supreme Court in **S.Jeevanantham vs. State**, reported in **2004(5) SCC 230**, wherein the Supreme Court has held that any seizing officer can himself be the Investigation Officer in a given case.

6. In this case the learned counsel for the petitioner further contended that the entire case is a false case, because the rough sketch shows that there is a small street in the inter-section and that the accused, on seeing the police, could have escaped through the said street.

7. In the considered opinion of this Court just because the accused did not escape through the small lane, one cannot say that the entire case has been foisted. The fact remains that Manoharan was admitted in the hospital and wound certificate has been obtained. The doctor, who treated Manoharan, has also been cited as a prosecution witnesses. Since there are prima facie materials in the charge sheet, this Court is of the view that it is not a fit case to quash the charge sheet and accordingly, the petition is dismissed, with liberty to the petitioner to raise all the points during trial before the Trial Court. The Trial Court is directed to complete the trial in C.C.No.128 of 2013, within 6 months from the date of receipt of a copy of this Order, if there is no other legal impediment and on further condition that the accused should cross-examine the witnesses on the date of their examination in chief in the light of the law laid down by the Supreme Court in the case of **Vindo Kumar vs. State of Punjab** reported in **2015(1) Scale 542**. Consequently connected miscellaneous petitions are closed.

Sd /-

ASSISTANT REGISTRAR(AD-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To



2.The Inspector of Police,
B6, Jaihindpuram Police (L & O) Station,
Madurai.

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

+1 CC TO M/S.C.JEYA INDRA PATEL, ADVOCATE, SR NO.60777

jikr

JS/SKN-RSK/SAR1:03.07.2017:3P-5C

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