



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Crl.O.P.(MD) No.8063 of 2017

and

Crl.M.P.(MD) Nos.5488 & 5489 of 2017

Anand

... Petitioner/9th Accused

-Vs-

1. The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

... 1st Respondent/complainant

2.Muthusamy

... 2nd Respondent/De-facto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in P.R.C.No.35 of 2016 on the file of the Judicial Magistrate, Srivaikundam and quash the same against this petitioner.

For Petitioner : Mr.S.R.Anbarasu

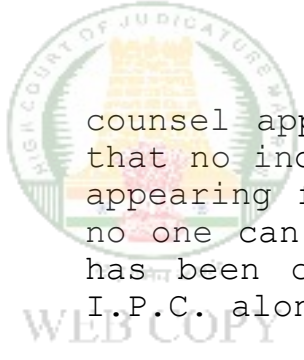
For R1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).

O R D E R

This petition is filed to quash the P.R.C.No.35 of 2016 on the file of the Judicial Magistrate, Srivaikudam, against the petitioner.

2. Though the petitioner's name was not specified in the FIR report, subsequently, the petitioner was implicated for the offences punishable under Section 302 I.P.C. Even in the complaint it was specifically stated about the involvement of four persons who can be identified. Hence, the only contention putforth by the learned counsel appearing for the petitioner that the petitioner's name is not found in the FIR and therefore the implication of the petitioner based on the confession statement of the other accused is not appropriate.

3. There is no logic in the submissions of the learned



counsel appearing for the petitioner. The reading of the FIR shows that no individual is named. If, the argument of the learned counsel appearing for the petitioner is accepted, logical inference is that no one can be accused. The petitioner who is not named in the FIR has been charged for offences under Sections 120(B), 302 and 307 I.P.C. along with A5 to A9.

4. Inclusion of the petitioner pursuant to the investigation and on the basis of confession statement cannot be faulted and therefore this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Srivaikundam.
2. The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Is/cmr

AE/JC/SAR1/10.08.2017/2P/4C

Cr1.O.P.(MD) No.8063 of 2017
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