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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2017

CORAM :

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

CRL.OP.(MD) No.8238 of 2017

and

CRL.MP.(MD) Nos.5559 and 5560 of 2017

K.Murugapandian

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi Taluk,
Tirunelveli District.
(Crime no.163/2015)

... Respondents/Complainant

2.E.Chellammal

...Respondent/De-facto Complainant

Prayer: Criminal Original Petition filed under Article 482 of the Criminal Procedure Code praying this Court to call for the records from the learned Judicial Magistrate,Cheranmahadevi Tirunelveli District in C.C.No.182 of 2016 and to quash the same.

For Petitioners : M/S.Ananth C.Rajesh
For Respondent-1 : Mr.K.Anbarasan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to call for the records from the learned Judicial Magistrate,Cheranmahadevi, Tirunelveli District in C.C.No.182 of 2016 and to quash the same, since no prima facie case has been made out against the Petitioner.

2.Heard Mr.Ananth C.Rajesh, learned counsel appearing for the petitioners and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the respondent.

3.According to the learned counsel for the Petitioner, the alternative report, dated 1.9.2015 clearly reveals that the Petitioner is not involved in the commission of offence under Sections 204(b), 506(i), 406 and 417 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act. However, the charge-sheet has been framed involving the Petitioner for the



offences under Sections 294(b) and 506(i) of IPC.

4. The learned counsel for the Petitioner would submit that the complaint on the incident, dated 25.8.2015 is sought to be introduced only for the purpose of harassing the Petitioner without any truth. He also relied on the General Diary produced to check out the alibi of the Petitioner. The learned counsel for the Petitioner contended that the document clearly show that the Police Officer has not properly investigated the case. It is too early at this stage to decide whether the investigation is properly done or not. Merely by producing the General Diary to show that the Petitioner did not involve in the commission of offence as fortified by the documents, cannot be a reason to interfere with the investigation or to quash the charge-sheet.

5. The materials on record clearly show that the charge-sheet clearly makes out a prima facie case involving the Petitioner in the commission of offence for which the complaint was given.

6. In such circumstances, this Court is not inclined to quash the charge-sheet against the Petitioner. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(Crl. Side)

/True Copy/

Sub Assistant Registrar

To,

1. The Judicial Magistrate,
Cheranmahadevi,
Tirunelveli District.

2. -do- Thro' Chief Judicial Magistrate,
Tirunelveli.

3. The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi Taluk,
Tirunelveli District.

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

+1cc to Mr. ANANTH C. RAJESH Advocate in SR. No. 63265

GSP/VSN

JS/MR/KKR/SAR.2/14.07.2017/2P-6C

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