



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.9044 of 2017

and

CRL.M.P.(MD)Nos.6144 & 6145 of 2017

M.Pannerselvam

.. Petitioner/3rd Accused

-Vs-

1.The Sub Inspector of Police,
Kadayalamoodu Police Station,
Kanyakumari District.

.. 1st Respondent/Complainant

2.Jeyasekar,
Forest Ranger,
Kulasekaram Forest Range,
Kulasekaram,
Kanyakumari District.

.. 2nd Respondent/De-facto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pursuant to the charge sheet in C.C.No.341 of 2015 on the file of the learned Judicial Magistrate No.I, Kuzhithurai and quash the same as far as the petitioner concerned.

For Petitioner : Mr.C.Sankar Prakash

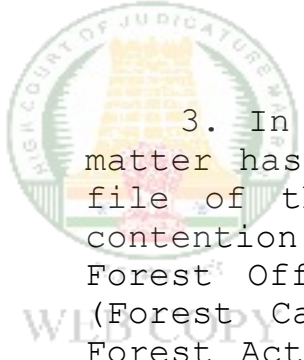
For Respondents : Mr.K.Anbarasan

Government Advocate(Crl. Side)

O R D E R

This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pursuant to the charge sheet in C.C.No.341 of 2015, for the offence under Sections 294(b), 323, 506(ii) and 353 IPC., on the file of the learned Judicial Magistrate No.I, Kuzhithurai and quash the same as far as the petitioner is concerned.

2. Heard Mr.C.Sankar Prakash, learned counsel appearing for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Crl. Side) appearing for the respondents and perused the records.



3. In this case, charge sheet has already been filed and the matter has also been taken on file as C.C.No.341 of 2015, on the file of the learned Judicial Magistrate No.I, Kuzhithurai. The contention of the learned counsel for the petitioner is that the Forest Officer has registered a case before the Special Court (Forest Cases), Nagercoil, under the provisions of Tamil Nadu Forest Act, 1882. The case of the defacto complainant is pending before the Special Court(Forest Cases), Nagercoil. In the counter filed by the petitioner, he has stated that there is no truth or merit in the allegation levelled against the petitioner in the FIR and the Charge Sheet.

4. It is too early to this Court to come to the conclusion as to the merits of the allegations on the basis of the version of the petitioner or any other material that may be produced before this Court. The trial of the case will be based on the evidence, materials and the statement of witnesses. Therefore, any contention of the petitioner on the merits of the allegations cannot be the sole ground on which, the criminal case can be quashed.

5. Hence, this petition is **dismissed**. However, the personal appearance of the petitioner alone in C.C.No.341 of 2015, before the learned Judicial Magistrate No.I, Kuzhithurai, is dispensed with, unless or otherwise the same is specifically insisted by the Court below. Consequently, connected Crl.M.P.(MD).No.6144 of 2017 is also dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.The Judicial Magistrate No.I,
Kuzhithurai.

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

+1CC to Mr.C.Sankar Prakash, Advocate, SR.No.66003

CRL.O.P.(MD)No.9044 of 2017

17.07.2017