

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 18.07.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**Crl.O.P.(MD) No.9127 of 2017****and****Crl.MP.(MD)No.6200 and 6201 of 2017**

R.Ravichandiran

... Petitioner

-Vs-

The State Rep. by Sub-Inspector of Police,
Sattur Taluk Police Station,
virudhunagar District.
(Crime No.277 of 2016)

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in S.T.C.No.445 of 2017 on the file of the Judicial Magistrate-II, Sattur and quash the same.

For Petitioner : Mr.P.Santhoshkumar.
For Respondent : Mr.K.Anbarasan,
Government Advocate(Crl.side).

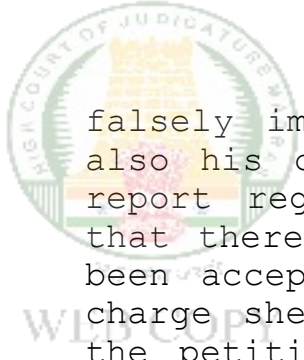
O R D E R

This petition has been filed to quash the proceeding in S.T.C.No.445 of 2017 on the file of the Judicial Magistrate-II, Sattur.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondent.

3. A complaint has been registered against the petitioner in Crime No.277 of 2016 for the offences under Section 294 (b) I.P.C. and Section 4(1)(j) of Tamil Nadu Prohibition Act. The complaint was made by the police constable attached to the respondent police station by stating that the petitioner used filthy words against the police persons by standing in front of the police station in an intoxicated state of mind. The petitioner says that the final report was also filed in the criminal case.

4. It is the submission of the learned counsel for the petitioner that the petitioner is an advocate and that he has been



falsely implicated in this case with on ulterior motive. It is also his case on merits that there is no averment in the final report regarding the medical examination of the petitioner and that therefore, the certificate of drunkenness ought not to have been accepted by the enquiry officer to hold him guilty in the charge sheet. The further submission of the learned counsel for the petitioner is on merits of the allegations levelled against him and the charges framed against him.

5.This Court is not concerned with the factual issues as it is a matter of evidence. Only the competent Court can decide the factual issues after full-fledged trial. It is not open to the petitioner to approach this Court to quash the charge sheet at this stage, merely on the basis of his own statement about what has happened on that particular date and pointing out certain discrepancies in the criminal case registered against the petitioner.

6.In view of the above, this Criminal Original petition is dismissed. However the personal appearance of the petitioner in the proceedings in S.T.C.No.445 of 2017 on the file of the Judicial Magistrate No.II, Sattur is dispensed with unless and otherwise it is required by the Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.II,
Sattur.
- 2.The Sub-Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P.(MD) No.9127 of 2017
and

Cr1.MP.(MD)No.6200 and 6201 of 2017
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