



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.07.2017
CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Cr1.O.P.(MD) No.9151 of 2017
and
Cr1.M.P.(MD)Nos.6224 and 6225 of 2017

1.Suresh
2.Ramesh
3.Jose
4.Edmand

... Petitioners/Accused Nos.1 to 4

-Vs-

1. State. rep. by its
The Sub Inspector of Police,
Nesamani Nagar Police Station,
Kanyakumari District.
(In Crime No.376 of 2014) ... Respondent/Complainant

2. John Biyas ...2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in relation to the Charge Sheet in C.C.No.174 of 2015 on the file of the Judicial Magistrate No.II, Nagercoil and to quash the same.

For Petitioners : Mr.T.Arul

For R-1 : Mr.K.Anbarasan,
Government Advocate (Cr1.Side).

ORDER

This Criminal Original Petition is filed for quashing the Charge Sheet in C.C.No.174 of 2015 on the file of the learned Judicial Magistrate No.II, Nagercoil.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Cr1.side) appearing for the first respondent.

3. The learned counsel for the petitioners submitted that there are material discrepancies between the statement that was obtained from the witnesses and the complaint that was registered on the date of occurrence.



4. It is not in dispute that the petitioners were Charge sheeted for the offences under Sections 341, 294(b), 323 and 506(i) of I.P.C. The discrepancy between the complaint and the statement obtained from the witnesses can not be the basis for quashing the criminal case. The other discrepancy pointed out by the petitioner is with reference to Wound Certificate issued by the Doctor wherein it is stated that the injury was caused to the victim by using stone and stick.

5. The circumstances pointed out by the petitioners may be useful to him to defend the criminal case. However, that cannot be a sole reason to quash the Charge Sheet. The case against the petitioners has to be dealt with in the manner known to law and they will be punished for the offences committed by them only if they are proved beyond doubt. The fact that the prosecution is not likely to succeed in the criminal case, is not a reason to quash the Charge Sheet against the petitioners.

6. With the above observation, this Criminal Original Petition is dismissed. However, the personal appearance of the petitioners before the Court is dispensed with, unless or otherwise it is specifically required by the Court. Consequently, connected Miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II, Nagercoil.

2. The Sub Inspector of Police, Nesamani Nagar Police Station, Kanyakumari District.

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

+1 cc to Mr.T.Arul , Advocate in SR.No. 66001

cp/pmu

AE/GT/SAR2/26.07.2017/2P/5C

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