



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P.(MD) No.9353 of 2017
and
Cr1.M.P.(MD) No.6354 of 2017

Sathish Kumar

... Petitioner

-vs-

1.The State Represented by
The Inspector of Police,
C-2, Subramaniapuram Police Station,
Madurai City.
(in Crime No.593 of 2015).

... 1st Respondent / Complainant

2.Jeyalakshmi

... 2nd Respondent / De-facto complainant

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records connected with charge sheet in P.R.C.No.05 of 2016 pending on the file of the learned Judicial Magistrate Court-IV, Madurai and quash the same as illegal relating to the petitioner.

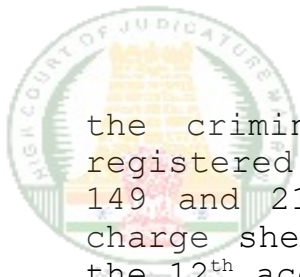
For Petitioner : Mr.R.Alagumani
For R-1 : Mr.K.Anbarasan,
Government Advocate(Cr1.side).

O R D E R

This Criminal Original Petition has been filed to quash the entire records connected with charge sheet in P.R.C.No.05 of 2016 pending on the file of the learned Judicial Magistrate Court-IV, Madurai.

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

3.The learned counsel for the petitioner states that the petitioner is not involved in the criminal case and the petitioner has been falsely implicated. The petitioner is the 12th accused in



the criminal case in Crime No.593 of 2015, which was earlier registered under Sections 120(b), 147, 148, 294(b), 506(ii), 302 r/w 149 and 212 of I.P.C. and Section 25(1)(A) of the Arms Act. The charge sheet clearly discloses the role of the petitioner, who is the 12th accused in the above said criminal case.

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4.The learned counsel for the petitioner however, strangely has come up with the case that the petitioner was falsely implicated with some motive by referring to some of the discrepancies found in the statement obtained from the witnesses.

5.This Court cannot rely upon the version of petitioner or any other accused to quash the criminal case. The question whether the petitioner is involved in the crime is a matter for trial and the matter will be adjudicated based on the entire evidence and materials and not on the basis of self serving statement of any individual before this Court. Hence, this Criminal Original Petition is dismissed. However, the learned counsel for the petitioner seeks indulgence of this Court to dispense with the personal appearance of the petitioner before the Court below. Having regard to the facts and circumstances of this case, the personal appearance of the petitioner before the trial Court is dispensed with. If the presence of the petitioner is required by order of Court, the petitioner shall appear before the Court concerned. Consequently, the connected Crl.M.P.(MD) No.6354 of 2017 is closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

cmr/gsp
To

1.THE JUDICIAL MAGISTRATE IV, MADURAI

2 -DO THRO- THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3 THE INSPECTOR OF POLICE,
C-2, SUBRAMANIAPURAM POLICE STATION,
MADURAI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

Crl.O.P. (MD) No.9353 of 2017
and

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