



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

CrI.O.P.(MD) No.23010 of 2016

and

CrI.M.P(MD)Nos.12077 and 12078 of 2016

1.Latthif Raja

2.Kathijathul Gubra

3.Iliyas

: Petitioners/A4, A5 and A7

-vs-

1. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.36 of 2011)

: 1st Respondent/Complainant

2.Satham Hussain

: 2nd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the case in C.C.No.39 of 2015 pending on the file of the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District and quash the same.

For Petitioners : Mr.R.Anand

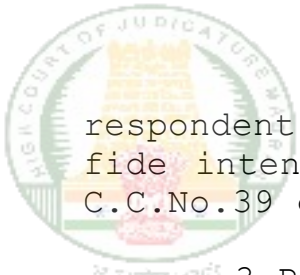
For 1st Respondent : Mr.A.P.Balasubramanian
Govt. Advocate (CrI.Side)

For 2nd Respondent : Mr.S.M.A.Jinnah

O R D E R

This petition has been filed, seeking to call for the entire records pertaining to the case in C.C.No.39 of 2015 pending on the file of the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District and quash the same.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are A4 and A5 and A7 and the case was taken on file in C.C.No.39 of 2015 by the Judicial Magistrate, Thiruvadanai, after serving copy of the papers to the accused and in this case, PW1 to PW3 were already examined and the 2nd



respondent, purposely included all the family members with a mala-fide intention. Hence, he prayed that the charge sheet filed in C.C.No.39 of 2015 has to be quashed.

3. Per contra, the learned counsel appearing for the 2nd respondent has submitted that in this case, most of the witnesses were examined and now the case is in the part heard stage and hence, the quash petition filed by the petitioners is not at all maintainable in law.

4. The learned Government Advocate (Criminal side) appearing for the 1st respondent has submitted that since, prima facie materials are available to presume that the petitioners would have committed the alleged offence, the 1st respondent police has rightly registered the FIR as against the accused persons and now the case was taken on file as C.C.No.39 of 2015 and hence, the petition filed by the petitioners has to be dismissed.

5. This court has carefully heard the arguments made on either side and perused the materials available on record.

6. In this case, the petitioners were arrayed A4 and A5 and A7. On reading of the materials available on record, it is seen that incriminating materials are available to frame charges against the petitioners. The main contention of the petitioners is that due to previous motive, all the family members were implicated in this case and hence, the quash petition has to be dismissed.

7. It is seen from the records that except the above ground, the petitioners have not stated any other valid ground to quash the charge sheet filed against them. Whether the charges framed against the petitioners are true or not, can only be decided at the time of trial. Hence, this court is of the considered view that the petition filed by the petitioners in the enquiry stage is not at all maintainable in law and therefore, the relief sought for by the petitioners cannot be granted.

8. In view of the above facts, this petition is **dismissed**. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(C)

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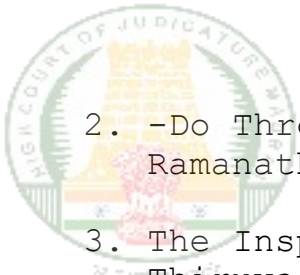
Sub Assistant Registrar

To:

1. The Judicial Magistrate,

<https://hcservices.courts.gov.in/services/>

Ramnagar district.



2. -Do Thro'- Chief Judicial Magistrate,
Ramanathapuram.

3. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

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

CrI.O.P. (MD) No.23010 of 2016
31.01.2017

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