



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

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

Crl.O.P.(MD) No.9646 of 2017

and

Crl.M.P(MD) Nos.6582 and 6583 of 2017

P.Ravichandran

...Petitioner/Accused No.4

-vs-

1.The State, rep by
The Inspector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.119 of 2015)

...Respondent/Complainant

2.Raju

....Respondent/De-facto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying this Court to call for the records pertaining to the charge sheet in P.R.C.No.17 of 2017 pending before the Judicial Magistrate No.II, Karur and to quash the same as illegal.

For Petitioner : MR.R.Venkatesan

For Respondent-1 : Mr.K.Anbarasan
Government Advocate (Crl.Side)**ORDER**

This Criminal Original Petition is filed to quash the charge -sheet in P.R.C.No.17 of 2017, pending before the Judicial Magistrate No.II, Karur.

2.Heard the learned counsel for the Petitioner and the learned Government Advocate(Crl.side) appearing for the respondent No.I and perused the materials placed before this Court.

3.The Petitioner has filed this Petition to quash the charge- sheet only on the ground that the Petitioner is the son of one Ponnusamy, whereas, the fourth accused in the charge-sheet is the son of one Raman. Though the Petitioner has filed this



petition to quash the charge-sheet on the ground of identity of the accused, he has not produced any document or material to show that the person shown as fourth accused is a different person and whose identity with reference to the father's name and other particulars are different.

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4.The learned Government Advocate(Crl.side), on instructions, would submit that the first respondent/Police has identified the fourth accused. There is no dispute with regard to the identity of the fourth accused. The learned Government Advocate(Crl.Side) has also produced certificate from the Village Administrative Officer to the effect that the name of the Petitioner's father is Raman @ Ponnusamy. This statement according to the Village Administrative Officer was made pursuant to the local enquiry.

5.Having regard to these facts and circumstances, this Court is of the view that the Petitioner has not made out a prima facie case about his non-involvement in the offence. There is no positive material produced before this Court that the statement given by the first respondent-Police with reference to the identity of Petitioner/fourth accused is wrong. As contended by the learned Government Advocate(Crl.side), the Village Administrative Officer's Certificate also is relevant. Even if the Petitioner has got some document to show that the fourth accused in the charge-sheet is a different person, the same has to be decided by the trial Court only during the trial. In the absence of any other material and the prosecution has produced material to prove the identity of the Petitioner as fourth accused, this Court is not inclined to entertain this Criminal Original Petition and thus the Criminal Original petition fails.

6.Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Karur.

2. The Inspector of Police,
Police Station,
Karur District.



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

Vsn

AE/SKN RSK/SAR1/04.08.2017/3P/4C

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