

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.21724 of 2018

and

Crl.M.P.No. 11883 of 2018

Manickam @ Manickaraj

.. Petitioner

Vs

1. The State by Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai - 600 021.

2. Madhan

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.1076 of 2014 on the file of the 1st respondent herein and quash the same, in so far as the petitioner is concerned.

For Petitioner : Mr.S.Saravanakumar

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.1076 of 2014 on the file of the 1st respondent police and quash the same, in so far as the petitioner is concerned.

2. On the complaint lodged by one Madhan, the 1st respondent police have registered a case in Crime No.1076 of 2014 on 20.09.2014, for the offences under Sections 341, 294(b), 323, 384, 307 and 506(ii) IPC, against the petitioner herein and two others, for quashing which, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, appearing for the 1st respondent police.

4. It is case of the de facto complainant that on 20.09.2014 at about 08.00 a.m., he was attacked by the petitioner and two others, with a knife. Of course, the de facto complainant did not suffer any injuries.

5. The learned counsel for the petitioner submitted that the petitioner was admitted in the Government General Hospital, Chennai, from 12.09.2014 to 20.09.2014, for kidney operation and therefore, the petitioner could not have been there, at the said place of occurrence on 20.09.2014.

6. In the opinion of this Court, alibi is a question of fact relating to Section 11 of the Evidence Act, which cannot be looked into, by this Court, in a quash application. However, this Court directs the Assistant Commissioner of Police, Tondiarpet, to monitor the investigation in H-6 R.K.Nagar Police Station Crime No.1076 of 2014, that is being conducted by the Inspector of Police, H-6 R.K.Nagar Police Station, and if it is found that the allegations against the petitioner are false, it is needless to state that further action against the petitioner should be dropped.

With the above direction, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

1. The Assistant Commissioner of Police,
Tondiarpet, Chennai.
2. The Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai - 600 021.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Saravana Kumar, Advocate, S.R.No. 71341

Cr1.O.P.No.21724 of 2018

RSV(CO)
GN(30/10/2018)