

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM :

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.23388 of 2018

and

CrI.M.P.Nos.13080 & 13081 of 2018

1. V.T.Mani
2. V.T.Perumal ..Petitioners/Accused 4 & 5

Vs.

1. State, Rep by,
The Sub Inspector of Police,
Brammadesam Police Station,
Thiruvannamalai District. ...Respondent/Complainant
2. Vengadasalam ..Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.C.No.35 of 2018 on the file of the Judicial Magistrate, Cheyyar and quash the same.

For Petitioners : Mr.R.Baskar

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 pertaining to C.C.No.35 of 2018 on the file of the Judicial Magistrate Court, Cheyyar and quash the same.

2. On the complaint lodged by one Velmurugan, the 1st respondent police have registered a case in Crime No.420 of 2017 on 22.10.2017, for the offences under Sections 147, 148, 323, 324, 294(b) and 506(ii) IPC, against Vengadasalam and 8 others.

3. On the complaint lodged by Vengadasalam, the 1st respondent police have registered a case in Crime No.421 of 2017 on 22.10.2017, for the offences under Sections 147, 148, 323, 324, 427 and 506(i) IPC, against Velmurugan and 8 others.

4. After completion of the investigation in Crime No. 420 of 2017 and Crime No. 421 of 2017, the 1st respondent police

have filed charge sheets against both the parties. The petitioners herein are the accused in Crime No. 421 of 2017, which has culminated into C.C.No.35 of 2018 before the Judicial Magistrate Court, Cheyyar, for quashing which, the petitioners are before this Court.

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

6. The learned counsel for the petitioners submitted that the petitioners are not at all involved in the case and a false case has been registered against them. He further contended that the petitioners were elsewhere.

7. In the opinion of this Court, alibi is a fact relevant under Section 11 of the Evidence Act and requires to be established like any other fact during trial and the same cannot be gone into, in an application under Section 482 Cr.P.C. That apart, the petitioners' name has been mentioned in the complaint given by Vengadasalam. Thus, when there are prima facie materials, disputed questions of fact cannot be gone into, in a quash application.

Hence, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all the points before the trial Court, after the charges are framed. Consequently, connected Miscellaneous Petitions are closed.
mkn/ssr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sub Inspector of Police,
Brammadesam Police Station,
Thiruvannamalai District.
2. The Judicial Magistrate, Cheyyar.
3. -do- thro the Chief Judicial Magistrate,
Tiruvannamalai Dist.
4. The Public Prosecutor, High Court, Madras.

+1cc to Mr.R.Baskar, Advocate S.R.No.68398

KR/25/10/18

Cr1.O.P.No.23388 of 2018
and

Cr1.M.P.Nos.13080 & 13081 of 2018