



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2018

CORAM

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P. (MD) No.12107 of 2015

and

M.P (MD) .No.1 of 2015

Lakshmi Priya Nagendran

.....Petitioner/Accused

Vs.

1. The Sub Inspector of Police
Kodaikanal Police Station
Kodaikanal, Dindigul District

2. D.Dhivakar

.....Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.109 of 2015 on the file of the Judicial Magistrate, Kodaikanal and quash the same.

For Petitioner : Mr.S.Veeraraghavan

For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

For R2 : Mr.H.Lakshmishankar

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.109 of 2015 on the file of the Judicial Magistrate, Kodaikanal and quash the same.

2.The case of the complainant is that on 21.09.2012 when the defacto complainant, who is the Advocate Commissioner has inspected the suit property, the petitioner prevented him to inspect the property. Again on 26.09.2012, after giving notice to the petitioner, when the defacto complainant started to inspect the suit property, at that time the petitioner scolded the defacto complainant with filthy language and also threatened him. Hence, the first respondent registered a case for the offences under Sections 189, 294(b) and 341 I.P.C.

3.The learned counsel for the petitioner would submit that the petitioner was not at all present in the spot. Further, he would submit that there is a counter complaint as against the second respondent/defacto complainant with the allegations that he colluded with the opposed party and created so many documents and the same was registered in Crime No.296 of 2013. Hence, he sought for quashing the criminal proceedings in C.C.No.109 of 2015 on the file of the Judicial Magistrate, Kodaikanal.



4.The learned counsel for the second respondent/defacto complainant would submit that the points raised by the petitioner are gone into in a full fledged trial. Further, he would submit that the plea of *alibi* cannot be considered under Section 482 Cr.P.C. Hence, he prays to dismiss the quash petition.

5.The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that there are serious allegations as against the petitioner. Hence, he prays to dismiss this petition.

6.It is seen from the records that the statement recorded under Section 161(3) Cr.P.C to connect the petitioner with the charge. However, the ground of *alibi* cannot be considered now and it has to be gone into in a full fledged trial. Therefore, this Court is not inclined to entertain this petition to quash the criminal proceedings in C.C.No.109 of 2015 on the file of the Judicial Magistrate, Kodaikanal. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Judicial Magistrate
Kodaikanal
2. The Sub Inspector of Police
Kodaikanal Police Station
Kodaikanal, Dindigul District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Veeraraghavan, Advocate Sr.No.91120

+1cc to Mr.H.Lakshmishankar, Advocate Sr.No.91081

MSA

KM/BK/SAR2/21.12.2018/2P/6C

Crl.O.P. (MD) No.12107 of 2015
and
M.P (MD) .No.1 of 2015
22.10.2018