



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD)No.2443 of 2018

and

CRL.M.P.(MD)Nos.1117 and 1118 of 2018

Ramasamy

... Petitioner/Accused No.1

Vs.

The Sub Inspector of Police,
Railway Police Force,
Nagercoil Junction,
Kanyakumari District.
(Crime No.NCJ RA 284 / 2010)

... Respondent/Defacto Complainant

Prayer : This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C.No.93 of 2011 on the file of the Judicial Magistrate No.1, Nagercoil, Kanyakumari and quash the same.

For Petitioner	: Mr.M.Sankar
For Respondents	: Mr.K.Prabhu Ramachandran Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for the records relating to the charge sheet in C.C.No.93 of 2011 on the file of the Judicial Magistrate No.1, Nagercoil, Kanyakumari and quash the same.

2.The petitioner has preferred the present Criminal Original Petition challenging the C.C.No.93 of 2011 on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari. According to the petitioner, the petitioner did not commit any offence as alleged in the charge sheet. The said allegations are only the general allegations and there is no specific allegation as against the petitioner and also there is no witnesses for the said occurrence.

3.The charge sheet reveals that there was a wordy quarrel between the petitioner and the defacto complainant and there is no commission of offence for framing charges. Since there is no material to show that the petitioner has committed offence as alleged in the charge sheet, the charge sheet is liable to be set



aside.

4.The learned Government Advocate (Crl.Side) would submit that the trial has been commenced and P.W.1 and P.W.3 has been examined. He further submitted that at this stage this petition for quashing of the charge sheet is not maintainable and the same is liable to be dismissed.

5.The petitioner has raised a ground, in this petition, that there is no witness for the occurrence as alleged by the prosecution in the charge sheet. It is seen that there is only a general allegations against the petitioner. In these circumstances, this Court cannot interfere with the quashing of the impugned charge sheet and the grounds raised by the petitioner can be set aside only at the time of trial in the aforesaid C.C.No.93 of 2011.

6.Therefore this Court is of the view that no *prima facie* case is made out by the petitioner to entertain this petition. Hence, this petition is liable to be dismissed. Accordingly, in the light of the above facts and circumstances of the case, this Criminal Original Petition is dismissed. Further, the learned Judicial Magistrate No.I, Nagercoil is directed to complete the trial proceedings within a period of four weeks from the date of receipt of a copy of this order. Till then, the personal appearance of the petitioner before the trial Court is dispensed with. However, the petitioner shall appear before the trial Court as and when required. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-)

To

1. The Judicial Magistrate No.I,
Nagercoil, Kanyakumari District.
2. The Sub Inspector of Police,
Railway Police Force,
Nagercoil Junction,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

TA

TE/RP/SAR-3 : 09/08/2018 : 2P/4C