



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P. (MD) .No.20599 Of 2014

and

M.P. (MD) No.1 and 2 of 2014

Kumar ...Petitioner/Accused No.2
Vs.

1. State rep. by
The Inspector of Police,
TMCH Police Station,
Thanjavur,
Thanjavur District. ... Respondent/Complainant
in crime No.55 of 2013

2. D.B.Senthilkumar ..Respondent 2/ Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in P.R.C.No.17 of 2014 on the file of the Judicial Magistrate No.II, Thanjavur and to quash the same.

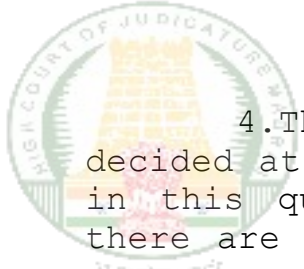
For Petitioner : Mr.A.K.Azhagarsamy
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
G.A.(CrI. Side) for R1

O R D E R

This petition is filed to quash the criminal proceedings in P.R.C.No.17 of 2014 on the file of the Judicial Magistrate No.II, Thanjavur as against the petitioner.

2.The learned counsel appearing for the petitioners would submit that on the date of occurrence, the petitioner/A2 was not in the scene of occurrence. The alleged occurrence took place at about 05.00 a.m., on 27.01.2013, whereas, the petitioner/A2 was working as Water Treatment Plant Manager in his company viz., Tamil Nadu News Print Limited on 27.01.2014 in "A" shift and his bio-metric attendance log records would show that the petitioner had reported duty at 06.10 a.m., and left at 14.16 hours in the evening. Therefore, the petitioner raised a plea of alibi and prayed for quashment of the criminal proceedings.

3.The learned Government Advocate (criminal side) would submit that there are incriminating evidences as against the petitioner to proceed with the trial. Further, he would submit that the charges as against the petitioner are very serious and he committed heinous crime. Therefore, he prayed for dismissal of the quash petition.



4.The plea of alibi raised by the petitioner has to be decided at the time of trial. The said plea cannot be considered in this quash petition. Further, it is seen from the charge, there are specific allegations as against the petitioner and they are very serious in nature. Therefore, this Court is not inclined to quash the criminal proceedings as against the petitioner.

5.Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Inspector of Police,
TMCH Police Station,
Thanjavur,
Thanjavur District.
2. The Judicial Magistrate No.II, Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.Illanchezian, Advocate Sr.No.88080

ARUL

VB/RP/SAR1/15.11.2018/2P/5C

**Cr1.O.P. (MD) .No.20599 Of 2014
and
M.P. (MD) No.1 and 2 of 2014
01.10.2018**