



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P. (MD) No.5660 of 2018

and

CrI MP(MD) Nos.2731 and 2732 of 2018

Antony @ Antony Rajan

.. Petitioner

Vs.

1. The State by
Sub Inspector of Police,
Karungal Police Station,
Kanyakumari District,
Crime No.670 of 2015.

2. J.R.Henson

.. Respondents

Petition is filed under Section 482 of the Criminal Procedure Code to call for the records of the impugned charge sheet in C.C.No.230 of 2017 on the file of learned Judicial Magistrate, Eraniel and quash the same as illegal in so far as this petitioner is concerned.

For Petitioner : Mr.C.Kishore

For R1 : Mr.Prabhu Ramachandran
Government Advocate (CrI.Side)

O R D E R

This Criminal Original Petition has been filed seeking to quash the charge sheet filed in C.C.No. 230 of 2017 on the file of learned Judicial Magistrate, Eraniel, in so far as the petitioner is concerned.

2.The first respondent police has registered a case in Crime No.670 of 2015 against the petitioner and two others, based on the complaint of the second respondent herein and after completion of investigation, has filed a final report in C.C.No.230 of 2017 on the file of the learned Judicial Magistrate, Eraniel for the offence punishable under Sections 294(b), 323 and 506(i) IPC. In so far as the present petitioner is concerned, he has been charge sheeted only for the offence under Section 323 IPC. The above case came to be charge sheeted on 26.05.2017, but



the first respondent, gave a false adverse report to the passport authority that charge sheet has been filed as early as on 15.02.2016. Further, there is no specific overtact as against the petitioner in the First Information Report. Therefore, the petitioner sought to quash the proceedings in C.C.No.230 of 2017 on the file of the learned Judicial Magistrate, Eraniel, in so far as the petitioner is concerned.

3.The learned counsel appearing for the petitioner would submit that the present case in Crime No.670 of 2015 has been lodged as a counter blast to the case in Crime No.669 of 2015. Since the accused persons, including the second respondent herein are close relatives and associates to a higher police officer, the present case in Crime No.670 of 2015 has been lodged against the petitioner, as a counter blast. Therefore, the case registered in Crime No.670 of 2015 is illegal and the charge sheet filed in C.C.No.230 of 2017 on the file of the Judicial Magistrate, Eraniel is liable to be quashed.

4.Considering the fact that the points urged on the side of the petitioner are the disputed facts, which have to be agitated before the trial Court at the time of trial in C.C.No.230 of 2017. However, taking into consideration of the contentions of the petitioner, in the interest of justice, the trial Court can be directed to dispose the case at an early date.

5.In fine, this Criminal Original Petition is dismissed. The Judicial Magistrate, Eraniel is directed to dispose of C.C.No.230 of 2017 within a period of six months from the date of receipt of a copy of this order. Till completion of trial, personal appearance of the petitioner is dispensed with before the Judicial Magistrate, Eraniel in C.C.No.230 of 2017. However, the petitioner shall appear before the Court as and when the Court below insist upon his appearance. Consequently, CrI MP(MD)Nos.2731 and 2732 of 2018 are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Eraniel.

2.The Sub Inspector of Police,
Police Station,
Kanyakumari District,



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.KISHORE, Advocate, S.R.No.60982

CRL.O.P. (MD) No.5660 of 2018
12.04.2018

mj

SH/JC/SAR-3: 02.05.2018:3P/5C