



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.10.2018
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.(MD)No.6992 of 2015
and
M.P(MD).Nos.1 & 2 of 2015

G.Raja ...Petitioner/Accused No.2
Vs.

State represented by

1.The Sub Inspector of Police
Pattukottai Town Police Station
Thanjavur District.
(Crime No.438 of 2001)

2.A.Subramanian ...Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.989 of 2006 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District and quash the same as illegal.

For Petitioner: Mr.A.Prasanna Rajadurai
For M/s.S.Muthalraj
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to quash the criminal proceedings in C.C.No.989 of 2006 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District and have taken cognizance for the offence under Section 379 I.P.C., in which, the petitioner is arraigned as Accused No.2.

2.The case of the prosecution is that the second respondent's lorry was standing at opposite side of Pattukottai Market, it was stolen by three unknown persons on 30.05.2001.

3.The learned counsel for the petitioner would submit that the petitioner is a sincere Advocate Clerk and the occurrence took place from 60 km away from the native of the petitioner herein. Therefore, the petitioner did not involve any offence as alleged by the prosecution. Further, the occurrence took place in the mid-night on 30.05.2001 at about 00.30 hours. Therefore, he did not commit any offence as alleged by the prosecution. Further, he would submit that based on the confession given by the co-accused, the petitioner has been falsely implicated as an accused. Therefore, he prays to quash the criminal proceedings.



4.The learned Government Advocate (Crl.Side) would submit that totally there are three accused, in which, the petitioner is arraigned as Accused No.2. On the confession statement of co-accused shows that the petitioner had involved in this crime. There are clinching evidence to prove the charge as against the petitioner. Therefore, he prays for dismissal of the quash petition.

5.Heard the learned counsel appearing on either side.

6.It is seen from the statement recorded under Section 161 Cr.P.C. from the defacto complainant, there are specific allegations as against the petitioner and there are clinching evidence to proceed further in C.C.No.989 of 2006 as against the petitioner. Further, it is also seen that the offence is serious in nature and as such it cannot be quashed. All the points raised by the petitioner have to be listed during the trial and also it requires full fledged trial to disprove the case of the prosecution.

7.In view of the above, this criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate
Pattukottai
Thanjavur District

2.The Sub Inspector of Police
Pattukottai Town Police Station
Thanjavur District

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

+1CC to Mr.NA.PALANIYANDI, Advocate, SR.No.90715

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