



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P. (MD).No.15237 of 2017

and

Crl.M.P. (MD) Nos.10137 & 10138 of 2017

1.Rajesh @ Rajeshkumar
2.Prakash

...Petitioners/Accused 3&4
Vs.

1.The State represented by its
Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(Cr.No.184/2015)

... 1st Respondent/Complainant

2.Chinnammal ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to the case in P.R.C.No.9/2017 on the file of the learned Judicial Magistrate, Periakulam and quash the same as against these petitioners.

For Petitioners :Mr.R.Suresh Kumar

For Respondent :Mr.M.Chandra Sekaran
Additional Public Prosecutor

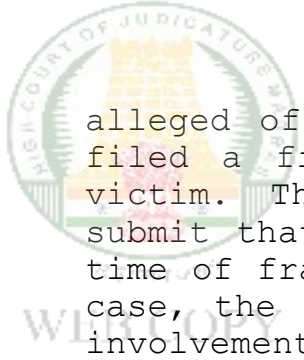
O R D E R

This petition has been filed challenging the final report filed by the first respondent, which was taken on file by the learned Judicial Magistrate, Periakulam, in P.R.C.No.9 of 2017.

2.The learned counsel for the petitioners would submit that the accident register as well as the complaint that was given by the mother of the victim, would clearly show that there was an involvement in the crime only insofar as the one accused person is concerned.

3.The learned counsel would further submit that the present petitioners, who have been arrayed as A3 and A4 in the final report have been falsely roped in as accused person, based on a further statement given by the defacto complainant and also the statement taken from the victim. The learned counsel would submit that the petitioners are college going students and a false criminal case will impact their future itself.

4.The learned Additional Public Prosecutor would submit that the victim has specifically named four accused persons for the



alleged offences of attempt to murder. Therefore, the police have filed a final report mainly based on the statement made by the victim. The learned Additional Public Prosecutor would further submit that at the stage of filing of the final report and at the time of framing charges, strong suspicion is enough. In the present case, the statement of the victim is very clear with regard to the involvement of the petitioner in the crime.

5.This Court has carefully considered the submissions made on either side.

6.This Court on a prima facie evaluation of the materials available on record is of the view that this is not a case, which can be quashed at the stage of final report. This is more so, since the victim has given a categorical statement before the police with regard to the involvement of four named accused persons. At the stage of framing of charges, the Court has to merely go by prima facie materials available and even a strong suspicion is enough to frame charges.

7.It is informed that the case had been committed to the Assistant Sessions Court, Periyakulam and the same has been taken on file in S.C.No.34 of 2018. The case is at the stage of trial.

8.This Criminal Original Petition is disposed of with a direction to the Assistant Sessions Court, Periyakulam to complete the proceedings in S.C.No.34 of 2018 within a period of three months from the date of receipt of a copy of this order. The petitioners are at liberty to raise all the grounds that have been raised in this petition, before the Court below in order to defend themselves in the trial.

9.The learned counsel for the petitioner would submit that the presence of the petitioners may be dispensed with before the Court below. The petitioners shall be present before the Court below at the time of framing charges, when they are questioned under Section 313 of Cr.P.C. and at the time of pronouncing judgment. On all other occasions, the petitioners shall be represented by their counsel. The petitioners shall file an affidavit before the Court below that the counsel representing the petitioners will cross examine the witnesses on the same day when they are examining in the chief and the petitioners will not dispute the identity of the witnesses. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/



To

- 1.The Sessions Court,
Periyakulam.
 - 2.The Judicial Magistrate,
Periakulam.
 - 3.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 1 CC TO Mr.R.Sureshkumar , ADVOCATE IN SR No. 86868.
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Cr1.O.P.(MD) .No.15237 of 2017

24.09.2018