



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.10.2018
CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD).No.3200 of 2017
and
Crl.M.P.(MD).Nos.2473 & 2474 of 2017

Muthukumar ...Petitioner /Accused No.2 / Accused No.2

Vs.

1.The Inspector of Police,
Ambadurai Police Station,
Ambadurai, Dindigul District.
(Crime No.207 of 2016)

...1st Respondent/Complainant/Complainant

2.Balasubramanian ...2nd Respondent / De-facto Complainant /
De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the case in S.T.C.No.616 of 2016 on the file of the learned Judicial Magistrate No.III, Dindigul, in Crime No.207 of 2016, on the file of the first respondent Police and quash the same in so far as this Petitioner/Accused No.2 is concerned.

For Petitioners : Mr.J.Lawrance
For Respondent No.1 : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl. side)
For Respondent No.2 : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in S.T.C.No.616 of 2016, on the file of the learned Judicial Magistrate No.3, Dindigul. The petitioner is arrayed as an Accused No.2 and he is facing charge before the Court below for the offence under Section 294(b) I.P.C.

2.A reading of the final report as well as the statement given by the witnesses clearly shows that it was only the Accused No.1, who had abused the de-facto complainant in the public road. There is absolutely no allegation against this petitioner for roping him as an accused person. Except the presence of this petitioner in the scene of occurrence, there is no specific allegation against this petitioner for having committed an offence under Section 294(b) I.P.C.



3. In the result, the proceedings in S.T.C.No.616 of 2016, on the file of the learned Judicial Magistrate No.III, Dindigul, is hereby, quashed insofar as this petitioner is concerned.

4. The Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Judicial Magistrate No.III, Dindigul.

2. The Inspector of Police,
Ambadurai Police Station,
Ambadurai, Dindigul District.

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

+1CC to Mr.J.Lawrance, Advocate, SR.No.88612

CrI.O.P.(MD).No.3200 of 2017
03.10.2018

TSG
ES/RP/SAR 1/12.10.2018/2P/5C