



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CRL.O.P. (MD) No.14009 of 2018

and

CrI.M.P. (MD) Nos.6282 and 6283 of 2018

G. Joseph Agnel

... Petitioner

Vs

1. State Rep. By
The Inspector of Police,
Valliyoor Police Station,
Valliyoor, Tirunelveli District.

2. Jaison Daniel ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the charge sheet in C.C.No.57 of 2018 on the file of the Judicial Magistrate Court, Valliyoor and quash the same as illegal.

For Petitioner : Mr.B.Char Murugan

For Respondents : Mr.M.Chandrasekaran

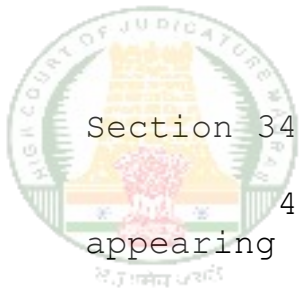
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to quash the final report filed by the respondent police and the same has been taken on file in C.C.No.57 of 2018 by the Judicial Magistrate, Valliyoor.

2.The learned counsel for the petitioner would submit that there is an earlier case that has been given by the very same defacto complainant as against this petitioner and the same is pending in Crime No.16 of 2016 and the present complaint, which is now transformed itself into the final report is an offshoot of the earlier complaint and the same has been given with *mala fide* motive and with an intention to wreck vengeance against the petitioner.

3.The learned Additional Public Prosecutor for the respondents submits that this case is an independent case for an incident that has happened on 16.04.2016, wherein, the petitioner and another person have abused and attempted to attack the defacto complainant with deadly weapons and the respondent police, after due investigation, have filed a final report for an offence under



Section 341, 294(b) and 506(ii) of IPC.

4.I have considered the submissions made by the counsel appearing on either side and I have also gone through the records.

5.The 161 statement that has been filed along with the final report clearly reveals that there is a prima facie case against the petitioner. The motive behind the complaint, whether any incident really took place or not, etc., are all the matters for trial and this Court sitting in 482 jurisdiction cannot go into the matter in detail.

6.At this stage, this Court is only suppose to look at the final report filed by the respondent police and the statements that form part of the final report. This Court does not find any ground to quash the final report filed by the respondent police.

7.Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Inspector of Police,
Valliyoor Police Station,
Valliyoor, Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Char Murugan, Advocate SR.No.77793
Rmi
MK/SKN RSK/SAR 2/30.08.2018/2P/4C

CRL.O.P. (MD) No.14009 of 2018

and

Cr1.M.P. (MD) Nos.6282 and 6283 of 2018

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