



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.15297 of 2018

and

Crl.M.P(MD)No.6758 and 6759 of 2018

1.Selvaraj
2.V.Pandian
3.Parimala

: Petitioners

Vs.

1. The Inspector of Police,
District Crime Branch,
Theni, Theni District.
(Crime No.14 of 2015)

2. David

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the case in C.C.No.1 of 2018 on the file of the Chief Judicial Magistrate, Theni and quash the same as against these petitioners.

For Petitioner
For R-1

: Mr.D.Selvam
: Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to quash the final report that has been filed by the respondent police in C.C.No.1 of 2018, on the file of the learned Chief Judicial Magistrate, Theni.

2.The learned counsel for the petitioner would submit that only the first accused was involved in the business and the first and second petitioners, who are brothers of the first accused and the third petitioner, who is the wife of the first accused, have been roped in this case as an accused without any material.

<https://hcservices.ecourts.gov.in/hcservices/>

3.This Court has gone through the final report and also the 161 statement given by the witnesses. There are prima facie materials



against the petitioners and therefore, there is no ground to quash the final report.

4.The petitioners can raise all the grounds, that have been raised in this Criminal Original Petition, before the court below at an appropriate stage.

5.Taking into consideration the fact that the 3rd petitioner is a lady and she is the wife of the first accused, the presence of the third petitioner before the trial court shall be dispensed with on the condition that she shall be present, at the time of answering the charges, at the time of questioning under Section 313 Cr.P.C and at the time of passing judgment.

6.In sofar as the first and second petitioners are concerned, they can make a proper application seeking for dispensing their appearance and the court below shall pass appropriate orders in accordance with law on such petition being filed before the court.

7.This Criminal Original Petition is dismissed with the above direction. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Chief Judicial Magistrate, Theni.
 2. The Inspector of Police,
District Crime Branch,
Theni, Theni District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- + 1 CC TO Mr.D.SELVAM, ADVOCATE IN SR No. 81457

DAS
TE/RSK/SAR-2 : 24/09/2018 : 2P/5C

Cr1.O.P.[MD].No.15297 of 2018 and
Cr1.M.P(MD)No.6758 and 6759 of 2018
31.08.2018