



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.[MD].No.16028 of 2018
and
Crl.M.P(MD)No.7101 of 2018

D.Balamurali

... Petitioner/Accused No.1

Vs.

1. The State of Tamil Nadu,
represented by the Inspector of Police,
Checkanurani Police Station,
Madurai District. Cr.No.338 of 2017

2. Pavunraj

... Respondents/Complainants

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the criminal case now pending in Crime No.338 of 2017 on the file of Checkanurani Police Station, Madurai District and quash the same as against this petitioner.

For Petitioner : Mr.V.Sukumar
For 1st Respondent : Mrs.S.Bharathi
Government Advocate.
For 2nd Respondent : No appearance

O R D E R

This petition has been filed by A1 to quash the F.I.R in Crime No.338 of 2017.

2.The main ground that was raised by the petitioner was that he is a Doctor working in the Government Headquarters Hospital, Usilampatti and on date of the incident, he was not even in the scene of occurrence and the same is evidenced by the certificate that was given by the Government Headquarters Hospital, Usilampatti.

3.The learned Government Advocate (Crl.side) for the respondent police, on instructions, would submit that the police have also verified the same and have found that the petitioner was not present at the time of incident. Therefore, it is clear that the petitioner ought not to have been made as an accused in this case.



4. In view of the above, the F.I.R shall stand quashed insofar the petitioner is concerned. The respondent police is at liberty to proceed further with the investigation insofar as the other accused persons are concerned.

5. With the above directions, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

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

+ 1 CC TO Mr.I.IRULAPPAN, ADVOCATE IN SR No. 85768
+ 1 CC TO Mr.V.SUKUMAR, ADVOCATE IN SR No. 85826

RMI
TE/SKN/SAR-2 : 28/09/2018 : 2P/5C

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20.09.2018