



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.[MD].No.18396 of 2018

and

Crl.M.P.(MD)Nos.8210 and 8211 of 2018

1.Kandasamy
2.Balakrishnan
3.Muthusamy

: Petitioners

Vs.

1.State represented by
The Inspector of Police,
Kalaiyarkovil,
Sivagangai District.
(In Crime No.517 of 2013)

2.Muthukumar

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records and quash the Charge Sheet in P.R.C.No.10 of 2017 on the file of the Judicial Magistrate No.I, Sivagangai.

For Petitioners : Mr.S.Karthick Subramanian

For R-1

: Mr.K.Suyambulinga Bharathi

Government Advocate [Criminal Side]

ORDER

This petition has been filed seeking for quash the proceedings in P.R.C.No.10 of 2017 on the file of the Judicial Magistrate No.I, Sivagangai.

2.The petitioners are A1 to A3. The respondent police have filed a final report for an offence under Sections 279, 324 @ 307 r/w 34 IPC.

3.The learned counsel for the petitioners would submit that there is a previous enmity between the defacto complainant and the petitioners and therefore, a false case has been given against these petitioners.

4.The learned counsel for the petitioners would further submit that the defacto complainant has given a different version in the complaint before the respondent police and thereafter, he completely changed the version while giving the statement before the police in the course of investigation.

5.The learned counsel for the petitioner would further submit that a case has been made out as if there is an attempt to murder the defacto complainant.



6.The learned Government Advocate (Crl.side) for the respondent police would submit that the statement given by the defacto complainant and the independent witnesses clearly show that the petitioners have attempted to murder the defacto complainant.

7.The learned Government Advocate (Crl.side) for the respondent police would further submit that there are sufficient materials for the Court below to frame the charges.

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

9.Apart from the defacto complainant, certain other independent witnesses have also spoken about the incident. Therefore, at this stage, this Court cannot undertake the process of appreciation of the evidence. It is for the petitioner to raise all the grounds before the Court below and the trial Court shall consider the same on its own merits in accordance with law.

10.The case is still in P.R.C stage. The learned Judicial Magistrate No.I, Sivagangai is directed to immediately commit the case to the Jurisdictional Court. The Jurisdictional Court shall complete the proceedings, immediately after committal, as expeditiously as possible.

11.This criminal original petition is dismissed with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate No.I, Sivagangai.

2.The Inspector of Police,
Kalaiyarkovil,
Sivagangai District.

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

Rmi

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