



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.01.2018

Delivered on : 10.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.10995 of 2013

1.M.Kumararaja

2.K.Devi

... Petitioners/Accused 1&2
Vs.

1.State Rep. by

The Sub-Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.

(Crime No.292 of 2011)

... 1st Respondent/Complainant

2.Kalyanasundaram

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in C.C.No.857 of 2012 on the file of the Judicial Magistrate Court, Pattukottai and quash the same.

For Petitioners : Mr.S.Ramasamy

For R1 : Mr.K.S.Duraipandian
Additional Public Prosecutor

For R2 : Mr.S.Deenadhayalan

ORDER

The petitioners herein are Accused Nos.1 and 2 in C.C.No.857 of 2012 on the file of the Judicial Magistrate Court, Pattukottai, Thanjavur District.

2.Now, this petition has been filed to quash the entire proceedings in the abovesaid case.

3.The learned counsel appearing for the petitioners contended that as per the averments made in the FIR and 161(3) Cr.P.C. statement, the witnesses as well as the de-facto complainant did not level any allegation against the petitioners. Accordingly, the filing of charge sheet is against the provisions of law.



4.This Court heard the learned Additional Public Prosecutor appearing for the State and the learned counsel appearing for the second respondent on the abovesaid submissions.

5.While discussing the powers of this Court under Section 482 Cr.P.C. in the case of Arun Shankar Shukla Vs. State of Uttar Pradesh and others reported in AIR 1999 SC 2554, our Hon'ble Apex Court held that ''it cannot be invoked in respect of any matter covered by the specific provisions of the Code or if its exercise would infringe any specific provisions of the Code''.

6.In this matter there is a specific provision available in the Code of Criminal Procedure to dealt with the charge sheet filed by the Police Officers, but without entering into the process enumerated in the Code of Criminal Procedure, the petitioners herein straightaway approached this Court for quashing the entire case. It is unjustifiable one. The verdict of the Hon'ble Apex Court in Arun Shankar Shukla Vs. State of Uttar Pradesh and others (cited supra) is squarely applicable to the case on hand. Hence, the petitioners are not having any merit in their case. Therefore, this Criminal Original Petition is liable to be dismissed and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Pattukkottai,
Thanjavur District.

2.The Sub-Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.

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

+1cc to Mr.S.DEENADHAYALAN,Advocate,SR. 41979

+1cc to Mr.S.RAMASAMY,Advocate,SR.42156

Cr1.O.P.(MD)No.10995 of 2013
10.01.2018

SMN2

KK/SV.MMS/SAB2 /25.01.2018/ 2P- 6C/
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