

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2681 of 2014
and M.P.No.1 of 2014

V.C.Ajieethkumar

... Petitioner

Vs.

1. The State by
The Deputy Superintendent of Police,
Sathyamangalam Police Station,
Sathyamangalam,
Erode District
Crime No.241 of 2013

2. P.Ponnusamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in P.R.C.No.6 of 2013 on the file of the learned Judicial Magistrate, Sathyamangalam, Erode District and quash the same.

For Petitioner : Mr.R.Prasadh for Mr.C.Munusamy

For Respondents

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

For R2 : Mr.I.C.Vasudevan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.6 of 2013 on the file of the learned Judicial Magistrate, Sathyamangalam, Erode District, having been taken cognizance for the offences punishable under Sections 3(1) (X) SC/ST (POA) Act,1989 r/w 506(ii) of IPC

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any

base, the respondent police registered a case in Crime No.241 of 2013 for the offences under Sections 3(1)(X) SC/ST (POA) Act,1989 r/w 506(ii) of IPC, as against the petitioner and filed charge sheet in P.R.C.No.6 of 2013 on the file of the learned Judicial Magistrate, Sathyamangalam, Erode District. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that there are specific allegations as against the petitioner to attract the offence under Sections 3(1)(X) SC/ST (POA) Act,1989 r/w 506(ii) of IPC. He further submitted that all the points raised by the petitioner have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

4. The learned counsel appearing for the second respondent concedes the submission made by the learned Additional Public Prosecutor.

5. Heard Mr.R.Prasadh, learned counsel appearing for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent and Mr.I.C.Vasudevan, learned counsel appearing for the second respondent.

6. It is seen from the charge that the petitioner is a sole accused and there are specific averments to attract the offences as against the petitioner. Further it is also seen that there are materials to connect the petitioner to the offences. More over all the points raised by the petitioner have to be considered only during the trial. The petitioner at liberty to raise all the points before the Court below during the trial.

7. In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No. 6 of 2013. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

rts

To

1. The Judicial Magistrate Court,
Sathyamangalam, Erode District

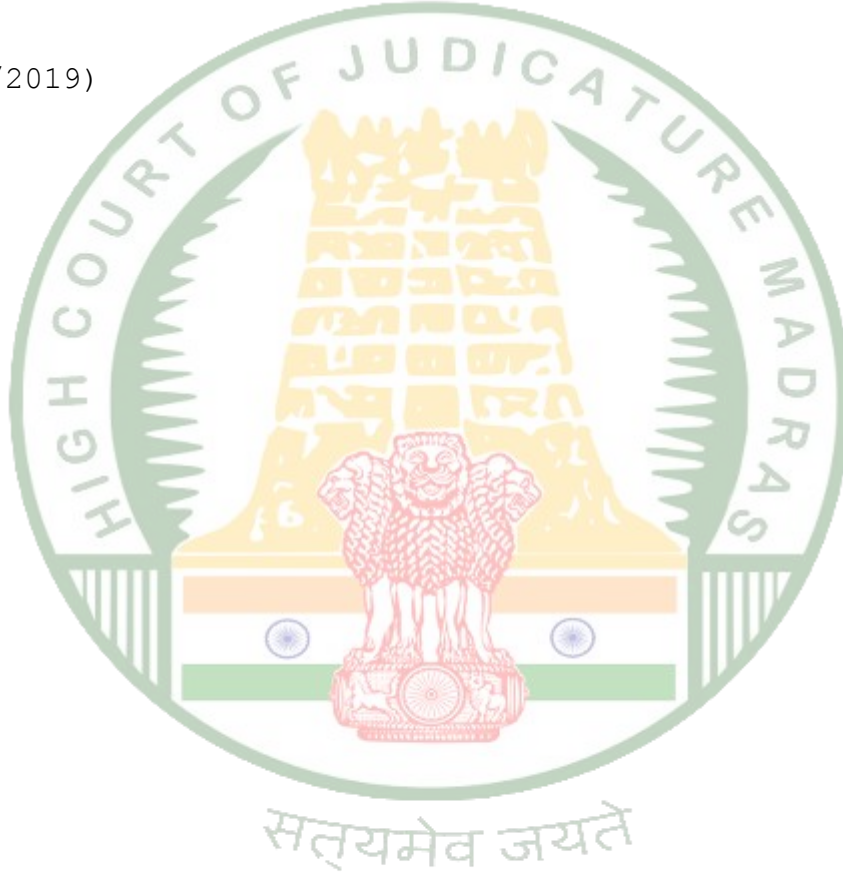
2. The Deputy Superintendent of Police,
Sathyamangalam Police Station,
Sathyamangalam,
Erode District

3. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.IC.Vasaudevan, Advocate SR.No.13286

CrI.O.P.No.2681 of 2014
and M.P.No.1 of 2014

RR(CO)
GMY(28/03/2019)



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