



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.5785 of 2019

and

Crl.M.P.(MD)No.3698 and 3699 of 2019

1.Mariyammal
2.Selvaraj
3.Suppaiyan

:Petitioners/Accused 1 to 3

/Vs./

1.The State rep.by
The Inspector of Police,
Vettathikottai Police Station,
Tanjore District.
In Crime No.165/2018.

:1st Respondent/Complainant

2.P.Selvi

:2nd Respondent/De-facto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records culminating in Charge Sheet No.166 of 2018 dated 12.10.2018 filed in FIR No.165/2018 by the first respondent in C.C.No.80 of 2019 before the learned Judicial Magistrate, Pattukottai and quash the same.

For Petitioner
For R-1

: Mr.M.Dinesh Hari Sudarsan
: Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the final report in Crime No.165 of 2018, now pending in C.C.No.80 of 2019.

2. The learned counsel for the petitioners submitted that the petitioners are facing charges for the offences under Sections 294 (b), 323, 324 and 506 (ii) IPC, that there was a earlier case, in which the petitioners were victims of an assault by the private respondent and her men. The petitioners have preferred a complaint. But, without registering the case immediately on it, the Investigating Officer has registered it later as Crime No.164 of 2018. He submitted that final report has been laid in both the cases.

3. Turning to the merits of the case, the learned counsel brought to the notice of this Court several inconsistencies in the statements of the witnesses and the context of the FIR and added that the entire case is foisted and it is a counter blast to the complaint the petitioners have filed.



4. The learned Government Advocate submitted that the inconsistencies or contradictions in the statements of the witnesses are matters for trial and its impact on the outcome of the case largely depends on the nature of the complaint, quality of such inconsistencies / contradictions. He also added that the allegation of the petitioners that the case is a false one and it came to be registered due to bad motive of the defacto complainant has to be visited only during trial.

5. After weighing rival submissions, this Court does find merit in the statement of the learned Government Advocate. As rightly argued this nature and quality of such inconsistencies that would be relevant for the purpose, only if the contradictions or inconsistencies relate to any material part of the cause of action, but then it is a matter for trial and for appreciation of evidence.

6. In conclusion, this Court does not find any merit in this petition and the same is dismissed. However, taking note of other circumstances, this Court dispenses the petitioners' appearance before the trial Court unless the trial Court requires the presence of the petitioners for any specific reason. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

To

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

Cr1.O.P. [MD]No.5785 of 2019
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CS: (17/06/2019) 2P 3C