



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 10.06.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD) .No.10151 of 2018

and

Cr1.M.P. (MD) .No.4539 of 2018

Grinivasaprasath

... Petitioner

-Vs-

1. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District,
Crime No.129/2018.

2. Gopalan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the First Information Report pertaining to the case in Crime No.129 of 2018 on the file of the first respondent police and quash the same as against the petitioner.

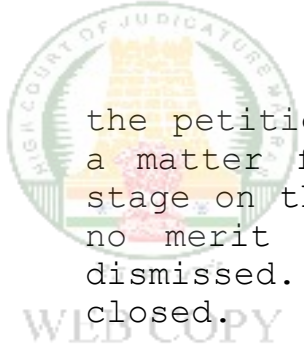
For Petitioner : Mr.S.Ramasamy
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.side)

O R D E R

The criminal original petition is filed seeking to quash the F.I.R. in Crime No.129 of 2018 on the file of the first respondent police as against the petitioner.

2. The petitioner is the first accused in Crime No.129 of 2018 and the case has been registered for the offences under Sections 294(b), 452, 323, 427 and 506(ii) of I.P.C., based on the complaint given by the second respondent. Now, the main grievance of the petitioner is that he was not present at the scene of occurrence and he also have evidence to that effect. But without considering the same, he has been arrayed as an accused in the present case.

3. On a perusal of the complaint, it is seen that a specific overt act has been attributed against the petitioner, and whether



the petitioner was present at the scene of occurrence or not is a matter for evidence, and the F.I.R cannot be quashed at this stage on the ground of *alibi*. In the above circumstances, there is no merit in this case and the Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

akv

To

1. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

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

Cr1.O.P. (MD) .No.10151 of 2018
10.06.2019

BUC (02/07/2019) 2P/3C