



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL OP (MD) .No. 10096 of 2019

and

Cr1.MP (MD) .No.6374 of 2019

K.Rajiv Gandhi

...Petitioner/Accused No.2

Vs.

1.The State represented by
The Inspector of Police,
Karivalamvandhanallur Police Station
Tirunelveli District.
(Crime No.194/2015)

...Respondent/Complainant

2.Mr.G.Madasamy

...Respondent/
Defacto Complainant

PRAYER: This Petition filed under Section 482 of Criminal Procedure Code to call for the records in pursuant to the charge sheet in C.C.No.365 of 2015 on the file of the learned Judicial Magistrate, Sankarankovil and quash the same in so far as the petitioner is concerned.

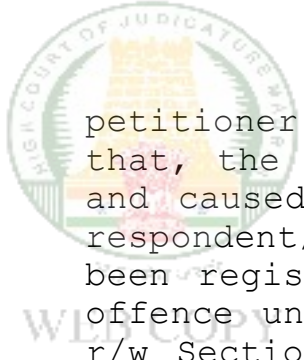
For Petitioner : Mr.K.Sankar
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to call for the records in pursuant to the charge sheet in C.C.No.365 of 2015 on the file of the learned Judicial Magistrate, Sankarankovil and quash the same.

2. The learned counsel for the petitioner would submit that the petitioner is studying second year B.E.in S.V.C College of Engineering and Technology and he has been falsely implicated in this case. The learned counsel would further submit that the materials collected during investigation, do not make out a *prima facie* case against the petitioner and hence, this Criminal Original Petition has been filed to quash the criminal proceedings in C.C.No.365 of 2015.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent, on instructions, would submit that there was a civil dispute with regard to common pathway between the



petitioner's family and the second respondents' family. Due to that, the petitioner way laid the second respondent, attacked him and caused injuries. Based on the complaint given by the second respondent/defacto complainant, a case in Crime No.194 of 2015 has been registered against the petitioner and other accused for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) I.P.C r/w Section 4 of Tamil Nadu Prohibition of Woman Harassment Act. After completing investigation, a charge sheet has been filed and the same was taken cognizance by the learned Judicial Magistrate, Sankarankovil and pending in C.C.No.365 of 2015. The learned Government Advocate (CrI.Side) would further submit that even though summon was served on the petitioner, so far he has not appeared before the Court below.

4.I have heard the learned counsel appearing for the petitioner, the learned Government Advocate (CrI.Side) appearing for the respondents 1 and 2 and also perused the materials available on record.

5.On perusal of the materials collected during investigation and the statement of the witness under Section 161 Cr.P.C., it could be seen that the petitioner also attacked the victim with hand, and the materials, *prima facie* make out the offence against the petitioner. That apart, the occurrence took place on 27.06.2015 at 7.00 a.m and the complaint was lodged on the same day at 11.30 a.m, in which the petitioner's name was also mentioned.

6.In the above circumstances, all the grounds raised by the petitioner can be decided only during trial and it cannot be decided in this proceedings. Hence, I find no merit in the present petition. Accordingly, this Criminal Original Petition is dismissed. However, the case is pending from the year 2015, the learned trial Judge is directed to proceed with the case and dispose the same on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Since summon was served on the petitioner, he has not appeared before the trial Court, the petitioner is directed to appear before the trial Court in the next hearing date and co-operate with the trial. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)



1.The Judicial Magistrate
Sankarankovil

2.The Inspector of Police,
Karivalamvandhanallur Police Station
Tirunelveli District.

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

CRL OP(MD) .No. 10096 of 2019
and
Cr1.MP(MD) .No.6374 of 2019
18.07.2019

CS(01.08.2019) 3P 4C