



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Dated : 18/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.19765 of 2014 and  
M.P. (MD) No.1 of 2014

N.K.Pandiyaraman

... Petitioner

Vs

1. The Superintendent of Police,  
Pudukkottai, Pudukkottai District.

2. The Deputy Superintendent,  
Of Police, Kottaipattinam.

3. The Inspector of Police,  
District Crime Branch, Pudukkottai.

4. Dr. Muthu,  
Sri Vijay Hospital, Manalmelkudi Post  
and Taluk, Pudukkottai District.

... Respondents

For Petitioner : M/s.K.Baalasundharam,

For R-1 to R-3 : Mr.A.Robinson,  
Government Advocate (Crl.Side)

For R-4 : M/s.V.Selva

PRAYER :-

Criminal Original Petitions is filed U/S 482 of Cr.P.C. praying to quash the final report filed by the 2nd respondent in S.C.No. 31 of 2014 on the file of the Principal District Sessions Court, Pudukkottai with regard to the petitioner.

ORDER : The Court made the following order :-

The petitioner herein is facing trial in S.C. No.31 of 2014 on the file of the learned Principal District and Sessions Judge, Pudukkottai, for the offences under Sections 452, 294(b), 420, 406 and 506 (a) of I.P.C. r/w Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act 1989.

2. This Criminal Original petition has been filed for quashing the said proceedings.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for respondents 1 to 3 and the learned counsel appearing for the defacto complainant.

4. It is well settled that criminal proceedings can be quashed only under certain exceptional circumstances and if they are within the parameters laid down by the Hon'ble Supreme Court in the decision reported in 1992 Supp (1) SCC 335 (State of Haryana vs. Bhajan Lal). They are as under :

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with malafide and/or where the proceeding is manifestly instituted with an ulterior motive for



wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

5. None of the grounds urged by the petitioner's counsel would fall under any of the aforesaid parameters laid down by the Hon'ble Supreme Court. It is for the petitioner to establish his innocence in the regular trial. The Criminal Original petition stands dismissed.

6. It is made clear that this Court has not gone into the merits of the matter. The personal appearance of the petitioner is dispensed with. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

PMU

TO

1. The Principal District and Sessions Judge,  
Pudukkottai.
2. The Superintendent of Police,  
Pudukkottai, Pudukkottai District.
3. The Deputy Superintendent,  
Of Police, Kottaipattinam.
4. The Inspector of Police,  
District Crime Branch, Pudukkottai.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.K.BAALASUNDHARAM, Advocate Sr. No. 88045

ORDER IN

CRL OP (MD) No.19765 of 2014

Date : 18/09/2019

MR (CO)

TR(14.10.2019) 3P 7C

<https://hcservices.ecourts.gov.in/hcservices/>