



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N.ANAND VENKATESH**

Crl.O.P.[MD]No.17734 of 2017

and

Crl.M.P.[MD]Nos.11581 and 11582 of 2017

J.Saravanan

: Petitioner/Accused No.21

Vs.

1.State through by
The Inspector of Police,
Karuppayurani Police Station,
Madurai Rural, Madurai.

2.M.Amaravathi

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records pertaining to P.R.C.No.22/2017 on the file of the learned Judicial Magistrate (Mahila) Court, Madurai and quash the same as illegal as against the petitioner.

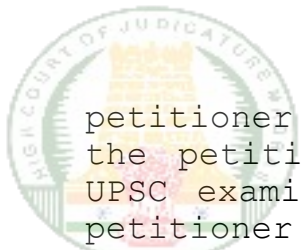
For Petitioner : Mr.S.Balasubramanian
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)
(for R1)

O R D E R

This criminal original petition has been filed seeking to quash the proceeding in PRC.No.22 of 2017 on the file of the learned Judicial Magistrate (Mahila) Court, Madurai.

2.The case of the prosecution is that on 12.05.2017 at about 07.00 am., the accused persons and others had formed an unlawful assembly and were carrying deadly weapons and they are said to have attacked the defacto complainant and also have abused her with filthy language. As a result of which, she sustained injuries. Based on the complaint given by the second respondent, First Information Report came to be registered in Crime No.174 of 2017 against 10 named accused persons and others. In the course of investigation, based on the further statement given by the defacto complainant, the petitioner was also made as an accused. On completion of the investigation, a final report came to be filed by naming 21 accused persons and the petitioner was shown as A21.

3.The learned counsel for the petitioner submitted that the



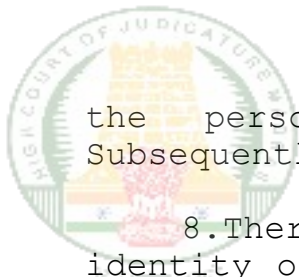
petitioner was not even present in the scene of occurrence and that the petitioner is a Post-graduate, who was preparing himself for UPSC examination. The learned counsel further submitted that the petitioner was called for an examination for the recruitment of Uniformed Services and the examination was conducted on 21.05.2017 between 10.00 am., to 11.20 am., and the petitioner was directed to report for examination at 09.00 am. He further submitted that the petitioner was preparing himself for the examination and he had gone to attend the exam and his name has been falsely roped in this case. As a result of which, the future of the petitioner itself has now become bleak. The learned counsel submitted that the continuation of the criminal proceedings against the petitioner is an abuse of process of Court and it requires interference of this Court.

4.The learned Government Advocate (Crl.side) submitted that the overt act attributed by the petitioner has been spoken by one Manjula who had given a statement to the Investigating Officer. He submitted that the petitioner had attacked one Selvam and caused injuries to him in the back of his head and the shoulder and he had also broken the roof of the defacto complainant's house. He further submitted that all the accused persons will have to face the trial in this case and the plea of alibi raised by the learned counsel for the petitioner cannot be decided at this stage and the same can be tested only at the stage of trial.

5.This Court has carefully considered the submissions on either side and materials placed on record.

6.In a case of this nature, it becomes the duty of the Court exercising its jurisdiction under Section 482 of Cr.P.C to carefully see if any person has been unnecessary roped in by getting a further statement. There is a tendency in cases of this nature, where some innocent persons are also made as an accused and are made to face the prosecution and the criminal prosecution completely destroys the future of many youngsters whose name gets added as an accused.

7.In the present case, incident is said to have been taken place on 12.05.2017. The petitioner was studying at Adithya IAS Academy in Madurai and he had attended the coaching class between 29.01.2017 to 18.05.2017. The petitioner was also preparing himself for examination of Grade II Police Constable, which was later to be held on 21.05.2017. The name of the petitioner is not shown in the FIR and only 10 persons have been named in the FIR. The prosecution is relying upon the statement of one Manjula. She has stated that the petitioner has attacked one Selvam and caused him injuries. The said Selvam was also examined by the Investigating Officer and he has not named the petitioner and he has not identified the petitioner to be the person, who attacked him. It is not known how the said Manjula had seen the petitioner attack the said Selvam. The witness had given a statement as if the name of



the person who was attacked, was Saravanan, S/o.Ganesan. Subsequently, the statement was changed as Saravanan, S/o.Jayapandi.

8. Therefore, there is a dispute even with regard to the identity of the petitioner. The father of the petitioner had also given a complaint to the Superintendent of Police to the effect that a false case has been given against the petitioner and it has been intentionally given only to prevent the petitioner from pursuing his future as a Police Officer.

9. From the materials available on record and the statement given by the witnesses, it is seen that the petitioner has been roped into case as an accused without any evidence. The petitioner, who is pursuing his future to become a Police Officer, has been intentionally roped in and very identity of the petitioner is under question. No useful purpose will be served by making the petitioner undergo the criminal trial without there being any material against him. The continuation of the criminal prosecution against the petitioner will amount to abuse of process of Court.

10. In order to secure the interest of justice, this Court will have to necessarily interfere with the proceeding insofar as the petitioner is concerned. In the result, the proceedings in P.R.C.No.22 of 2017 on the file of the learned Judicial Magistrate (Mahila) Court, Madurai is quashed insofar as the petitioner is concerned. Accordingly, the Criminal Original Petition is allowed and the Court below is directed to commit the proceedings before the concerned Court within a period of four weeks from the date of receipt of a copy of this order and the trial Court shall complete the proceedings within a period of six months, thereafter. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

The Inspector of Police,
Karuppayurani Police Station,
Madurai Rural, Madurai.

+1 CC to M/s.C.GANESH KUMAR, Advocate (SR-102855[F] dated
02/12/2019)

CrI.O.P. [MD]No.17734 of 2017

28.11.2019

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