



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.4783 of 2020

and

Crl.M.P. (MD)Nos.2739 and 2741 of 2020

M.Devadhas

... Petitioner/Accused No. 1

-VS-

1.The Inspector of Police,
District Crime Branch,
Tirunelveli.

...1st Respondent/Complainant

2.Levin Miranda

...2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the charge sheet in C.C.No.962 of 2019 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same.

For Petitioner : Mr.G.Thiruvarutselvan

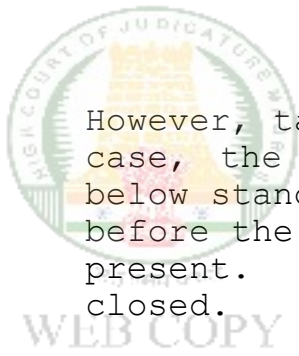
For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

O R D E R

This Criminal Original petition has been filed for quashing the proceedings in C.C.No.962 of 2019 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

2.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. They are not however, sufficient to invoke my inherent powers under Section 482 of Cr.P.C., as the contentions are rather factual in nature. The Hon'ble Supreme Court has consistently held that it would not be open to this Court to enter into appreciation of the factual matrix, while considering a quash petition.

3.Therefore, leaving open the petitioner's contentions and defence in the trial, this Criminal Original Petition is dismissed.



However, taking note of the over all facts and circumstances of this case, the personal appearance of the petitioner before the Court below stands dispensed with. Ofcourse, the petitioner has to appear before the Court below, on those occasions when he is directed to be present. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate No.I, Tirunelveli.

2.The Inspector of Police,
District Crime Branch, Tirunelveli.

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

+1 CC to M/s.G.THIRUVARUTSELVAN, Advocate (SR-12634[F] dated
20/03/2020)

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AP(03/06/2020) 2P 5C