



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.11434 of 2020

and

Crl.M.P.(MD)No.5228 of 2020

Sathishkumar @ Alagumalai ... Petitioner/Accused No.2
Vs

1.The State through
The Sub Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
(Crime No.25 of 2019) ... 1st Respondent/Complainant

2.Chinnamuthu ...2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the proceedings in FIR in Crime No.25 of 2019 on the file of the 1st respondent police and quash the same against the petitioner.

For Petitioner : Mr.G.Mariappan

For Respondents : Ms.S.E.Veronica Vincent,
Govt. Advocate (Crl. Side) for R1

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent.

2.The petitioner wants this Court to quash the impugned FIR primarily on the ground that during the relevant time the petitioner was on government duty. The petitioner is a government servant. The plea of alibi can be tested only during investigation or during trial. It cannot be a ground for quashing the FIR itself. The first respondent is directed to take a statement from the petitioner. The petitioner shall place all the materials before the first respondent. The first respondent will verify, if this plea of alibi is well founded or not. If the plea of alibi is well founded, then the final report will reflect the investigation officer's finding in that regard.



3. With this direction to the first respondent, the criminal original petition is disposed of. I make it clear that I have not gone into the merits. All the contentions of the petitioner are left open. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Sub Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.11434 of 2020

15.10.2020

KMV (CO)

NR (03/11/2020) 2P : 3C