



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.19774 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

Balamurugan

... Petitioner/Accused No.7

Vs.

1.The State represented through
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Crime No.351 of 2012)

...1st Respondent/Complainant

2.Gnanagurusamy

...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in P.R.C.No.48 of 2014 on the file of the Additional District Munsif cum Judicial Magistrate, Manamadurai, Sivagangai District and quash the same in respect of the petitioner.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mrs.M.Ananthadevi

Govt. Advocate (Crl. Side) for R1

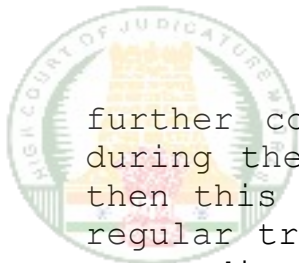
No appearance for R2

O R D E R

The petitioner is figuring as accused in P.R.C.No.48 of 2014 on the file of the learned Judicial Magistrate, Manamadurai for the offences under Sections 147, 148, 452 and 506(ii) of I.P.C., and Section 3 of Tamilnadu Public Property (Prevention of Damage and Loss) Act. The petitioner has filed this criminal original petition for quashing the said proceedings.

2.During the pendency of this criminal original petition, the committal proceedings had got concluded and the case is now said to be pending in S.C.No.169 of 2018 on the file of the learned Principal Sessions Court, Sivagangai.

3.The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds. According to him, there are no individual allegations against the petitioner. He



further contended that the petitioner was studying in a college during the relevant time. The petitioner is pleading alibi. But then this is a question of fact which has to be established only in a regular trial before the Court below. I cannot quash the impugned proceedings based on the contentions set out in the memorandum of grounds. Therefore leaving open the petitioner's contentions and defences, this criminal original petition stands dismissed. The learned Sessions Judge shall endeavour to conclude the Sessions Case in S.C.No.169 of 2018 on merits and in accordance with law as early as possible. The personal appearance of the petitioner is dispensed with. The petitioner has to appear only on those occasions when his appearance is necessary and warranted. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Additional District Munsif cum Judicial Magistrate,
Manamadurai,
Sivagangai District

2.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.

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

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KM/(10.02.2020) 2P 4C