



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17521 of 2021

and

CRL.M.P.Nos.9611 and 9612 of 2021

Ashokan @ Ashok

...Petitioner/Accused No.6

Vs.

1.The State Rep. by
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.

...1st Respondent/Complainant

2.Rani

...2nd Respondent/Defacto Complainant

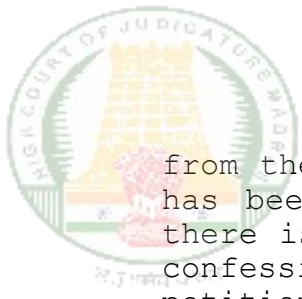
PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of the District and Sessions Court, Krishnagiri, Krishnagiri District in S.C.No.2 of 2019 and quash the Criminal proceeding.

For Petitioner :	Mr.E.Kannadasan
For Respondent :	Mr.A.Damodaran
No.1	Additional Public Prosecutor

ORDER

The petitioner, who is the six accused in S.C.No.2 of 2019 and who is facing trial for offences under Sections 201, 302 r/w 109 I.P.C, has filed this quash petition.

2.The contention of the learned counsel for the petitioner is that in this case, A1 to A4 were involved in several theft cases, in which, they were apprehended and the cases are pending against them. They had an apprehension that the deceased Viswanathan was informer, who had informed the police about the involvement of these accused. Hence, in a deceitful manner, A1 and A2 joined together, planned and taken the deceased to the isolated place and there, he was done to death. Thereafter, his body was disposed. A1 called A5, who had brought a Sumo vehicle of the petitioner and the body was disposed of near Kuppam Forest Area, Andhra Pradesh District. He further submitted that



from the confession of A2 and A5, it is seen that the petitioner has been falsely implicated. Other than these two confessions, there is no other material against the petitioner. For these two confessions also, there is no specific role attributed to the petitioner in the offence and no recovery has been made from the petitioner. In view of the same, the petitioner facing unnecessary ordeal of trial. Hence, prayed for quashing.

3.The learned Additional Public Prosecutor appearing for the first respondent submits that in this case, the petitioner has planned an active role along with the other accused. The petitioner had a common motive with the other accused in doing away with the deceased Viswanathan who according to the accused was an obstacle and informed about their movements. He further submitted that LW21 clearly spoken about the role played by this petitioner in this case. It is also seen that the offence had taken in one place, thereafter, the body was transported from that place to State of Andhra Pradesh and from there, the body was recovered. For transporting, the vehicle of the petitioner was used. Thus, the active role of the petitioner is clearly proved. The petitioner is raising disputable points, which ought to be decided only during trial.

4.Considering the submissions and on perusal of the materials, it is seen that this Court finds that the points raised by the petitioner are disputed, which ought to be decided only during trial and not in a quash petition and further, the trial in this case is to commence short. In view of the same, this court is not inclined to entertain the petition. Hence, this petition is dismissed. The trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sms/nr

To

1.The District and Sessions Court,
Krishnagiri, Krishnagiri District.

2.The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.



3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.E.Kannadasan, Advocate sr 52620.

CRL.O.P.No.17521 of 2021
and
CRL.M.P.Nos.9611 and 9612 of 2021

GJ(CO)
SP(09/11/2021)