



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 20220 of 2017

1.Kalaiselvi
2.Umadevi

. . . Petitioners

Versus

The Station House Officer,
Thirunallar Police Station,
Karaikal

. . . Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to quash the Charge Sheet No.69 of 2015 dated 26.08.2015 on the file of the Hon'ble Judicial Magistrate-II Court, Karaikal, Puducherry.

For Petitioners : Mr.V.Ajayakumar

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
(Pondicherry)

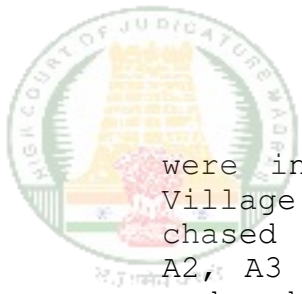
ORDER

This Criminal Original Petition has been filed to quash the Charge Sheet No.69 of 2015, dated 26.08.2015, on the file of the Judicial Magistrate-II, Karaikal, Puducherry.

2.It is the contention of the learned counsel appearing for the petitioners/A3 and A4 that the petitioners are no way connected with the offences. They came out from their house while the de facto complainant was chasing A1 and A2. Therefore, in the absence of any evidence linking these petitioners with A1 and A2, they cannot be prosecuted, hence, the learned counsel prayed for quashing the entire final report as against A3 and A4, the petitioners herein.

3.Heard the learned counsel on either side and perused the materials available on record.

4.The main charge of the prosecution is that, A1 and A2



were involved in theft of minerals, namely sand. While the Village Administrative Officer (V.A.O.) and Government Servants chased them, they took away the tractor. While, chasing A1 and A2, A3 also came out from their house in support of A1 and A2 and abused and threatened the Government servants. The statements recorded on the side of the prosecution clearly indicate that there are serious allegations also made against the petitioners for abusing and threatening.

5. In such view of the matter, this Court, while sitting under Section 482 Cr.P.C, cannot go into the evidentiary value of the statements recorded under Section 161 Cr.P.C. It is to be tested only before the trial Court. Accordingly, this Court is not inclined to quash the final report at this stage. Therefore, this Criminal Original Petition is dismissed.

6. At this stage, the learned counsel appearing for the petitioners seeks indulgence of this Court to grant an order dispensing with the personal appearance of the petitioners. Accordingly, the personal appearance of the petitioners/A3 and A4 before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., passing of judgment, or on any other date as may be required by the trial Court.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

psa/mkn

To

1. The Judicial Magistrate-II,
Karaikal, Puducherry.

2. The Station House Officer,
Thirunallar Police Station,
Karaikal.

3. The Public Prosecutor,
Pondicherry.

+1cc to Mr.V.Ajayakumar, Advocate, S.R.No.60811

Cr1. O.P. No. 20220 of 2017

PL(CO)
SB(07/12/2021)