



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.6222 of 2017
and
CrI.M.P.Nos.4620 & 4619 of 2017

1.S.Vasudevan

2.V.Sarasu

..Petitioners/Accused 1&2

Vs.

1. State rep. by
Inspector of Police,
Magudamchavadi Police Station,
Salem District.

2. Deputy Superintendent of Police
Sankari Sub Division
Salem District.

3. Thambidurai

..Respondents/Complainant/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records with relating to the charge sheet dated 31.08.2016 and quash the proceedings in S.C.No.57 of 2017 pending on the file of the Principal District Judge at Salem.

For Petitioners: Mr.A.V.Raja

For Respondents: Mr.S.Vinoth Kumar
Govt.Advocate(CrI.Side)for R1 & R2
Mr.K.Arulmuruganandam for R3

ORDER

This Criminal Original Petition has been filed to call for the records relating to the charge sheet dated 31.08.2016 and quash the proceedings in S.C.No.57 of 2017 pending on the file of the Principal District Judge at Salem.



2. Heard learned counsel for the petitioners and learned counsel for the respondents.

3. The main contention of the learned counsel for the petitioners is that the entire case has been falsely alleged against the petitioner in a money transaction. Further, there were serious contradictions in the FIR, statement under Section 161 of Cr.P.C and timing of the alleged occurrence. In a nut shell, there are 28 errors found in the Charge Sheet. Though on the face of it, it appears that there is some money transaction which leads to filing of FIR, one of the statement given by the Doctor indicate that the defacto complainant has suffered lacerated injuries about 7x1x1.5cm.

4. In view of the above, this Court is of the view that the contradictions and omissions or inconsistencies cannot be gone into at this stage while exercising the power under Section 482 of Cr.P.C. Though, it is stated by the learned counsel appearing for the defacto complainant that, the defacto complainant is died, the same itself cannot be a ground to quash the proceedings. Though the entire complaint appears to be arising out of money transaction, the possibility of implicating the accused with Special Act cannot be ruled out. At the same time, considering the nature of injuries, it is a fit case to go before the Trial Court. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

5. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners are dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. They shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief.

Sd/-

Assistant Registrar(CCC)

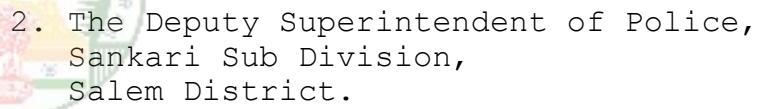
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Sub Assistant Registrar

msv

To

1. The Inspector of Police,
Magudamchavadi Police Station,
Salem District.



3. The Principal District Judge
Salem.

4. The Public Prosecutor,
High Court, Madras.

CrI. O.P. No.6222 of 2017
and
CrI.M.P.Nos.4619 & 4620 of 2017

SR (CO)
RGA (13/12/2021)