



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.20607 of 2017 &
Crl.M.P.Nos.12360 and 12361 of 2017

1. Irudayaraj
2. Krishnan
3. Selvi
4. Kothaiyammal
5. Kala
6. Kutti
7. Selvamary
8. Uthirakumar
9. Ravi
10. Santhakumar
11. Elumalai
12. Amsa
13. Baby
14. Roselin
15. Immagulate
16. Arumugham
17. Jayalakshmi
18. Santhi
19. Valliammal

...Petitioners

Versus

The State rep. By
Inspector of Police,
Roshanai Police Station,
Tindivanam Taluk,
Villupuram District

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in P.R.C.No.13 of 2017 in Crime No.318 of 2017 pending on the file of the learned Judicial Magistrate No.I, Tindivanam and quash the charges so far it relates to the petitioners / A.1 to A.19 are concerned.

For Petitioners: Mr.K.Balakrishnan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



O R D E R

The present Criminal Original Petition is filed to call for the records in P.R.C.No.13 of 2017 in Crime No.318 of 2017 pending on the file of the learned Judicial Magistrate No.I, Tindivanam and quash the charges levelled against the petitioners in the final report for offences under Sections 147, 353, 341, 452, 149 of IPC and Section 3 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992.

2.Heard Mr.K.Balakrishnan, learned counsel for the petitioners and Mr.S.Vinoth Kumar, learned Government Advocate (Crl.Side) for the respondent.

3. The main contention on which the learned counsel for the petitioners sought to quash the final report is that the entire case is false and the petitioners are no way connected with the offences, as alleged by the prosecution. It is the further contention of the learned counsel for the petitioners that no independent witness has been examined and all of them are official witnesses. The learned counsel for the petitioners also submits that there is no specific overt act attributed against the petitioners, therefore, the entire final report filed against the petitioners should be quashed.

4. At the outset, I am unable to persuade myself to accept the submission of the learned counsel for the petitioners. In fact, the learned counsel insisted this Court to go through the evidenciary value of the statements recorded by the Police under Section 161 Cr.P.C., by virtually converting this Court into the trial court. It is well settled law that while exercising powers under Section 482 Cr.P.C., this Court cannot make a roving enquiry into the evidenciary value of the disputed facts and when the prosecution unearthed certain materials pointing against the accused, this Court cannot venture into its validity and the value. It is the domain of the trial court to appreciate the evidence on the basis of the substantial evidence produced before the trial court.

In such view of the matter, I do not find any merit in the present Criminal Original Petition and the same is dismissed. The learned Judicial Magistrate No.I, Tindivanam, shall expedite to committal of P.R.C.No.13 of 2017 to Sessions Court within a period of two months from the date of receipt of a copy of this order. Taking note of the fact that the entire occurrence allegedly took place while setting up a TASMACHOP shop and most of the accused are women, the personal appearance of the petitioners are dispensed with, except for receiving the copies under Section 207 of Cr.P.C., questioning under Section 313 of Cr.P.C., and on any other date, that may be fixed by the trial



court. Consequently, connected miscellaneous petition, viz.,
Crl.M.P.No.12360 of 2017 is closed and Crl.M.P.No.12361 of 2017
is ordered.

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Sd/-
Assistant Registrar(

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Judicial Magistrate No.I,
Tindivanam
2. The State rep. By
Inspector of Police,
Roshanai Police Station,
Tindivanam Taluk,
Villupuram District
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.Balakrishnan, Advocate, S.R.No.64670

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KSM(CO)
RGA(19/01/2022)