



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.27040 of 2019
& CrI.M.P.Nos.14446, 14447 of 2019

1. Mr.Rakesh Babu
2. Mrs.Santhana Lakshmi
3. Mr.Mahaveer Chand ...Petitioners/Accused 1 to 3

/versus/

1. The State Rep. by,
Represented by the Sub-Inspector of Police,
C3-Seven Wells Police Station,
Chennai - 600 001.
2. Mr.D.Premkumar, ...Respondents/De-factocomplainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the charge sheet in C.C.No.1508 of 2019 on the file of the Learned VIII Metropolitan Magistrate Court, at George Town, Chennai.

For Petitioners: Mr.V.Saravana Rengan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.1508 of 2019 pending on the file of the Learned VIII Metropolitan Magistrate Court, at George Town, Chennai, on the ground that, the petitioners were not even called for enquiry. The First Information Report, charge sheet and other documents have been lodged, without any enquiry and the same have to be quashed. Further he submits that there is no



ingredients for Section 323 IPC and there was no records like AR report, Doctor Certificate, Medical Report, Doctor's prescription or whatsoever produced for the same and therefore, the Charge Sheet has to be quashed. The LW-3 to LW-6 are revealing an identical statement and it is not possible for all the witnesses to reveal exactly an identical statement at time of delivering their statement under Section 161(3) of Cr.P.C. It clearly reveals the truth that there is no such incident happened. For all the above said grounds, he wants to quash the charge sheet in C.C.No.1508 of 2019.

2.The learned Additional Public Prosecutor appearing for the first respondent raised objections stating that the investigation agency has properly investigated the case and filed the final report. Based on that, the case was registered in C.C.No.1508 of 2019 and the same is pending before VIII Metropolitan Magistrate Court, George Town, Chennai. He further submitted that six witnesses were examined and their statement were also recorded. With regard to PW-2, chief examination has been completed and cross examination of PW-2 is pending.

3.Heard both sides and perused the materials on record.

4.Considering the fact that the trial is going to be end and the petitioner is also participated in the trial, I do not find any irregularity in filing the charge sheet in C.C.No.1508 of 2019. Hence, the Criminal Original Petition is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. If any defence is available with the petitioner, he shall work out his remedy before the trial Court. The trial Court is directed to dispose of the case in C.C.No.1508 of 2019 pending on the file of the VIII Metropolitan Magistrate Court, George Town, Chennai within a period of three months, from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The VIII Metropolitan Magistrate Court,
George Town, Chennai



2. Do Thro The Chief Metropolitan Magistrate,
Egmore, Chennai.

3. The Sub-Inspector of Police,
C3-Seven Wells Police Station,
Chennai - 600 001.

4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.27040 of 2019
& Crl.M.P.Nos.14446, 14447 of 2019

VSN-II (CO)
RGA(06/01/2022)