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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25126 of 2017

and

Crl.M.P.Nos.14469 & 14470 of 2017

Perumal

...Petitioner

Vs.

1.Inspector of Police,
Acharapakkam Police Station,
Kancheepuram District.

2.A.Baskaran

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in PRC.No.20 of 2016 on the file of the Judicial Magistrate, Madurantakam, against the petitioner herein for an alleged offence under Sections 341, 302 IPC @ 147, 148, 341, 302 & 120(b) IPC and quash the same.

For Petitioner : Mr.P.Surendran

For R1 : Mr.S.Vinoth Kumar

Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.20 of 2016 on the file of the Judicial Magistrate, Madurantakam.

2.The case of the prosecution is that, on 14.07.2016, when the deceased Srinivasan was returning to his house from temple in a motorcycle, the accused A1 to A7 gathered and conspired together to murder the deceased and intercepted him and caused grievous multiple injuries on him with knife and the deceased succumbed to the injuries, thereby, the accused have committed the offences under Sections 147, 148, 341, 302 and 120(b) IPC.



3.Though several grounds have been raised in this petition, the main ground urged by the learned counsel for the petitioner before this Court is that the name of the present petitioner is not found in the F.I.R. and he has been falsely implicated in the case based on the confession of the co-accused.

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

5.It is to be noted that factual aspects are raised in this petition and the same cannot be gone into by this Court while exercising jurisdiction under Section 482 Cr.P.C. It is a matter of evidence. Further, on a perusal of the final report, it is seen that the materials collected by the prosecution prima facie indicate that there are materials to proceed against the present petitioner. In such view of the matter, the evidentiary value of the statements cannot be gone into at this stage. Therefore, I am unable to countenance the submissions made by the learned counsel for the petitioner. Moreover, this Court is of the view that, filing these type of petitions, in one way or the other, is only to drag on the criminal proceedings. Therefore, this Court is not inclined to quash the proceedings at the threshold.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.Considering the long pendency of the matter and serious nature of the offences, the learned Judicial Magistrate, Madurantakam, is directed to commit the case to the Court of Session and on such committal, the learned Sessions Judge shall expedite the trial and dispose the matter without any further delay.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn



1.The Judicial Magistrate,
Madurantakam.

2.The Inspector of Police,
Acharapakkam Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.Anbazhagan, Advocate sr 65439.

Crl.O.P.No.25126 of 2017

SP(23/12/2021)