



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

Crl.OP(MD)No.238 of 2021 &

Crl.MP(MD)Nos.78 & 79 of 2021

WEB COPY

Vinayagamoorthy

... Petitioner/Accused No.10

vs.

1.The Deputy Superintendent of Police,
Thiruchuli Sub-Division,
Virudhunagar District.

2.State, Rep. by
The Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
(Crime No.96 of 2010)

... 1st and 2nd Respondents/Complainants

3.M.Murugesan @ Kalaiventhan

... 3rd Respondent/Defacto
Complainant/Victim

4.Gopi alias Azhagar

.. 4th Respondent/Victim

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records in Special SC.No.31 of 2011 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur and quash the proceedings as against the petitioner.

For Petitioner

:Mr.L.Prabhu

For R1 & R2

:Mr.A.Robinson,

Government Advocate(Crl. Side)

O R D E R

The present petition is filed to quash the proceedings in Special SC.No.31 of 2011 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur.

2. The main contention of the petitioner is that though no overt act is made against the present petitioner in the First Information Report, the Inspector of Police, M.Reddiyapatti Police Station, Virudhunagar District has filed final report for the offences punishable under Sections 147, 148, 341, 342, 323, 324, 325, 326, 307, 506 (ii) of IPC r/w 149 of IPC r/w 3 (2) (v) as well as under the Scheduled Caste / Scheduled Tribe Act, 1989.



3. Mr.A.Robinson, learned Government Advocate (Crl. Side) accepts notice for the first and second respondents.

4. A perusal of 161 (3) Cr.P.C Statement shows that the present petitioner along with other accused were armed with deadly weapon with an intention to do away with the life of the third and fourth respondents. In such circumstances, the contention of the learned counsel appearing for the petitioner that no overt act is made against the petitioner by the witnesses cannot be accepted.

5. The case of the learned counsel for the petitioner is that he was not at all present in the scene of occurrence. This contention of the petitioner can be gone into only after full fledged trial by the concerned Sessions Judge. In the facts and circumstances, I do not find any reason to quash Special SC.No.31 of 2011 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur. Therefore, the present petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

6. Since the Sessions Case is of the year 2011, the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur is directed to dispose of the case as expeditiously as possible preferably within six months from the date of receipt of a copy of this order / uploading of the order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal District and Sessions Judge,
Virudhunagar at Srivilliputtur

2.The Deputy Superintendent of Police,
Thiruchuli Sub-Division,
Virudhunagar District.



3.The Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.

4.The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.L.PRABHU, Advocate (SR-848[F] dated 11/01/2021)

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08.01.2021

ES (CO)
NR (02/02/2021) 3P : 7C