



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2021

CORAM :

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.OP.(MD)No.1659 of 2021 &  
Crl.MP(MD)Nos.801 & 802 of 2021

Thiruselvam ... Petitioner/Sole Accused  
vs.

1.State through  
The Inspector of Police,  
Valinokkam Police Station,  
Ramanathapuram District.  
In Crime No.54 of 2019 ...1<sup>st</sup> Respondent/Complainant

2.Kalaiselvi ... 2<sup>nd</sup> Respondent/Defacto  
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in SC.No.38 of 2020 on the file of the Principal District and Sessions Judge, Ramanathapuram and quash the same as illegal.

For Petitioner : Mr.T.Amjadkhan

For R1 : Mr.A.Robinson  
Government Advocate (Criminal side)

ORDER

The present petition is filed to quash the proceedings in SC.No.38 of 2020 on the file of the Principal District and Sessions Judge, Ramanathapuram.

2. Mr.A.Robinson, learned Government Advocate (Criminal Side) accepts notice for the first respondent.

3. The case of the prosecution in nutshell is as follows:

The defacto complainant Tmt.Kalaiselvi is working as a police constable, Sayalkudi Police Station. Her husband, the deceased Rajapandi suspecting his own brother Thiruselvam (A1) of having illicit intimacy with the defacto complainant, used to pick up quarrel with A1 and on 11.09.2019, at about 00.30 hours, when the defacto complainant and her husband (deceased) were sleeping in their house, the accused hit the deceased with a hollow block



stone on his head, as a result of which, the deceased Rajapandi sustained fatal injuries and died.

4. Mr.T.Amjadkhan, learned counsel for the petitioner would contend that the proceedings in SC.No.38 of 2020 on the file of the Principal District and Sessions Judge, Ramanathapuram is liable to be quashed on the following grounds, (i) There is no eye-witness to the occurrence, (ii) Since LW1 is a Government Servant, she was instigated by the police to lodge a complaint against the present petitioner, (iii) Other witnesses were not present at the time of occurrence and (iv) The postmortem report reveals no external injuries on the body of the deceased.

5. It is settled law that the First Information Report and the consequent investigation cannot be quashed unless there is no offence spelt out on the basis of the allegations alleged and there is no question of considering the merits of the allegations contained in the First Information Report at this stage or testing the veracity of the allegations. In the instant case, a perusal of the statement of LW1 shows that she has actually witnessed the occurrence that took place at 00.30 hours on 12.09.2019.

6. A perusal of the medical records shows that the deceased's left temporal bone was fractured with bleeding on both right and left occipital lobe. Therefore, the contention of Mr.T.Amjadkhan, learned counsel for the petitioner that the postmortem report does not reveal any injury cannot be accepted. The statement of LW1 *prima facie* shows that the accused committed the alleged offence. In the facts and circumstances, I do not find any reason to quash the proceedings in SC.No.38 of 2020 on the file of the Principal District and Sessions Judge, Ramanathapuram.

7. In the result, this Criminal Original Petition is dismissed with a direction to the Principal District and Sessions Judge, Ramanathapuram to dispose of the SC.No.38 of 2020 as expeditiously as possible. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// 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,  
Ramanathapuram.
- 2.The Inspector of Police,  
Valinokkam Police Station,  
Ramanathapuram District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Copy to

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

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