



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.03.2021**

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.HEMALATHA**

Crl.O.P.(MD)No.3251 of 2021
and Crl.M.P.(MD)Nos.1786 and 1787 of 2021

G.Siva ...Petitioner/Accused No.6
/Vs./
1.R.Gurusamy ...Respondent No.1/Defacto Complainant
2.The Deputy Superintendent of Police,
Tirumangalam Town Police Station,
Tirumangalam, Madurai. ...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Spl.S.C.No.3 of 2021 pending on the file of the III Additional District and Sessions Judge, (PCR Court), Madurai and quash the same as illegal as against the petitioner/A-6.

For Petitioner : Mr.R.Ramasamy
For R2 : Mr.A.Robinson
Government Advocate (Criminal side)

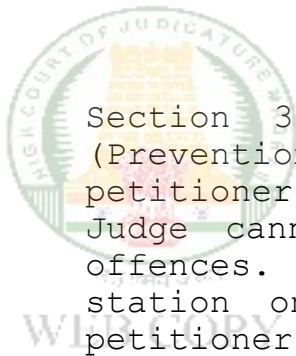
ORDER

This petition has been filed seeking to quash the Spl.S.C.No.3 of 2021 on the file of the III Additional District and Sessions Judge, (PCR Court), Madurai.

2.The Primordial contention of Mr.R.Ramasamy, learned counsel appearing for the petitioner is that since the petitioner was not present in the village on 27.12.2015, there cannot be any charge against the petitioner as alleged by the prosecution and that the respondent police has foisted a false case against him.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the second respondent, on instructions, would contend that the III Additional District and Sessions Judge, (PCR Court), Madurai, took cognizance of the offence and issued summons to the accused.

3.A perusal of the final report filed against the present accused, *prima facie* shows that the offences punishable under Sections 147, 294(b), 323 and 506(1) of the Indian Penal Code and



Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 are made out against the present petitioner and the concerned III Additional District and Sessions Judge cannot be found fault with for taking cognizance of the offences. The contention of the petitioner that he was out of station on the date of occurrence needs to be proved by the petitioner by adducing acceptable evidence before the trial Court.

4. In the circumstances, I do not find any reason to quash the Spl.S.C.No.3 of 2021 on the file of the III Additional District and Sessions Judge, (PCR Court), Madurai and accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 III Additional District and Sessions Judge, (PCR Court), Madurai.

2. The Deputy Superintendent of Police,
Tirumangalam Town Police Station,
Tirumangalam, Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.RAMASAMY, Advocate (SR-8131[F] dated 02/03/2021)

CrI.O.P. (MD)No.3251 of 2021

02.03.2021

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