



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.04.2021**

CORAM :

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

Crl.O.P. (MD)No.4944 of 2021

and

Crl.M.P. (MD)Nos.2827 and 2828 of 2021

1.Jeyaramakrishnan

2.Udhayanithi Krishnan

...Petitioners

/Vs./

1.State represented by
The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
(Crime No.156 of 2020)

2.Muruganantham

...Respondents

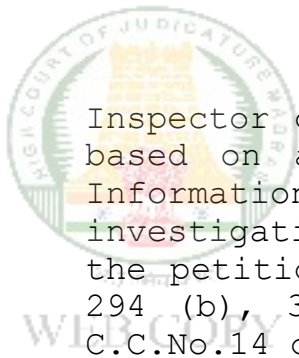
Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.14 of 2021 on the file of the District Munsif cum Judicial Magistrate, Kadaladi and quash the same.

For Petitioners	: Mr.A.Balaji
For Respondent No.1	: Mr.S.Chandra Sekar
	Additional Public Prosecutor

ORDER

This petition is filed to quash the proceedings in C.C.No.14 of 2021 on the file of the District Munsif cum Judicial Magistrate, Kadaladi.

2.The case of the prosecution is that on 22.10.2020, at about 08.00 a.m, the accused Nos.1 to 5 abused the *de facto* complainant and his wife in filthy language and also attacked them, as a result of which, the *de facto* complainant sustained simple injuries. The further case of the prosecution is that the accused No.1, attacked the *de facto* complainant with a showel as a result of which the latter sustained simple injuries. All the accused threatened the *de facto* complainant and his wife with dire consequences. The Sub-



Inspector of Police, Sikkal Police Station, Ramanathapuram District, based on a complaint of the defacto complainant registered First Information Report in Crime No.156 of 2020 and after concluding investigation, filed a final report against all the accused including the petitioners for the offences punishable under Sections 147, 148, 294 (b), 323, 324 and 506 (ii) of the Indian Penal Code, 1860 in C.C.No.14 of 2021 before Judicial Magistrate, Kadaladi.

3. Mr.A.Balaji, learned counsel for the petitioners contended that both the petitioners were not present at the scene of occurrence as is evidenced by the certificates issued by the President of Kadaladi Panchayat, Ramanathapuram District, dated 23.10.2020 and the Inspector of Posts, Mudukulathur Sub Division, Ramanathapuram District, dated 23.10.2020. He would therefore contend that the entire final report against the present petitioners / accused, has to be quashed.

4.Mr.S.Chandra Sekar, learned Additional Government Pleader, who accepts notice for the first respondent, on instructions, would contend that the petitioners have a habit of committing similar type of offences and that the first respondent after proper investigation has laid a final report in C.C.No.14 of 2021. His specific contention is that the proceedings in C.C.No.14 of 2021 cannot be quashed.

5.Merely based on the certificates issued by the President of Kadaladi Panchayat and the Inspector of Posts, Mudukulathur, it cannot be held that the present petitioners / accused were not in the scene of occurrence. The petitioners have to prove their contentions by letting acceptable evidence before the trial Court.

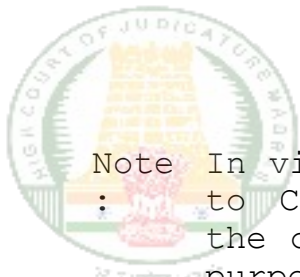
6.In the circumstances, since there is no ground to quash C.C.No.14 of 2021, the present Criminal Original Petition is dismissed. However, at request of the learned counsel for the petitioners, the personal appearance of the petitioners is dispensed with and the petitioners should appear before the concerned Magistrate as and when their presence is required. Accordingly, Crl.M.P.(MD)No.2828 of 2021 is ordered. Consequently, Crl.M.P.(MD) No.2827 of 2021 is dismissed.

Sd/-

Assistant Registrar.

// 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 Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-15274[F] dated 01/04/2021)

Crl.O.P.(MD)No.4944 of 2021
01.04.2021

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