



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVA**

Crl.O.P.(MD)No.5231 of 2021
and
Crl.M.P.(MD)No.3017 of 2021

1. Periyasamy
2. Murugapandi
3. Veerapathiran

...Petitioners

Vs.

1. State Through,
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
In Crime No.311 of 2019.
2. Virukkalai

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.311 of 2019, dated 31.10.2019 for the alleged offence under Sections 147, 153(A) of IPC on the file of the first respondent police and quash the same as illegal.

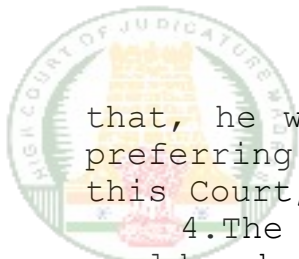
For Petitioners : Mr.M.Maran
For R1 : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

The present petition is filed seeking quashment of the First Information Report in Crime No.311 of 2019, pending on the file of the first respondent police.

2.According to the first respondent police as well as the complaint given by the de-facto complainant, on 28.10.2019 at about 06.00 hours, some four persons alleged to have hanged foot wear in Maruthupandiyars Statute, situated at Chekkadi Street.

3.According to the learned counsel for the petitioners, from the CCTV footage available with the shop located nearby area, only one person was found to be involved in the occurrence. But whereas, case has been registered against five persons. In the course of argument, he would submit that the second petitioner is pursuing ITI, Madurai and the third petitioner is preparing for competitive exam and if the First Information Report is allowed to stand against the petitioners, their entire future would be spoiled. Apart from



that, he would also submit that there is a delay in three days in preferring the complaint, if the CCTV footage is produced before this Court, the truth will come out.

4.The learned Additional Public Prosecutor for the respondents would submit that the investigation is completed and draft charge sheet is also made ready and it is going to be presented before the concerned Court at any time.

5.I find that these issues that have been raised by the learned counsel for the petitioners, cannot be gone into on merits at this stage. Those matters can be ascertained only during the trial proceedings. Hence, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

6.Considering the nature of the offences alleged against these petitioners and also considering the fact that they are pursuing their study and preparing for competent examination, there shall be a direction to the first respondent to file a charge sheet immediately before the trial Court and the trial Court taking cognizance of the offence, shall conclude the trial proceedings within a period six weeks thereafter.

Sd/-

Assistant Registrar (CSI)

// 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,
Samayanallur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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