



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P.(MD)No.5529 of 2021

and

Crl.M.P(MD).Nos.3167 and 3168 of 2021

WEB COPY

Alson Kumar

... Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(in Crime No.168/19)

2.Mrs. Palamma

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case pending in C.C.No.384 of 2019 on the file of the learned Judicial Magistrate No.1, Padmanabhapuram and quash the same as against the petitioner concerned.

For Petitioner : Mr.R.Karunanidhi

For R1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition has been filed to call for the entire records pertaining to the case pending in C.C.No.384 of 2019 on the file of the learned Judicial Magistrate No.1, Padmanabhapuram and quash the same as against the petitioner concerned.

2.The second respondent is the defacto complainant in Crime No.168 of 2019, which was registered for the offence punishable under Sections 147, 323, 427, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

3.The case of the prosecution is that there was a family dispute between her family and her husband's elder brother namely Ambrose. On 18.03.2019 at about 11.30 A.M, the petitioner along with other accused persons had damaged the compound wall and abused the defacto complainant in filthy language and caused simple injury.

4.After conducting investigation, a final report was submitted before the learned Judicial Magistrate No.1, Padmanabhapuram, which was taken on file in C.C.No.384 of 2019.



5.The petitioner seeking quashment of the above said final report, on the ground that at the time of occurrence i.e on 18.03.2021, the petitioner was at abroad. He was boarding at Thiruvananthapuram International Airport on 15.03.2019 and reached at Muscat on the very same day. He has been engaged in construction work at a private Company and returned to India only on 21.01.2021. This particulars has been clearly printed with immigration office seal in the petitioner's passport bearing Passport No.N8152146. Moreover, there is no specific allegation or averments made against the petitioner in the final report.

6.When the matter was taken up for hearing on 19.04.2021, this Court directed the learned Additional Public Prosecutor to verify the genuineness of the documents produced by the petitioner. Since the specific stand has been taken by the petitioner to the effect that on the date of occurrence i.e on 18.03.2019 the petitioner is not in India.

7.The learned Additional Public Prosecutor would submit that as per the direction of this Court, the documents have been verified by the concerned Police Officials and it was also found that it is true and genuine and he has produced the documents before this Court submitted by the petitioner, which also shows that the petitioner was not in India, At that time he was available in Muscat.

8.In view of the above facts and circumstances of this Case, this Criminal Original Petition is liable to be allowed. Case in C.C.No.384 of 2019, pending on the file of the the learned Judicial Magistrate No.1, Padmanabhapuram, is hereby quashed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 learned Judicial Magistrate No.1,
Padmanabhapuram

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

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

Crl.O.P. (MD) No.5529 of 2021

and

Crl.M.P (MD) .Nos.3167 and 3168 of 2021

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