



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM :

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

Crl.O.P.(MD)No.7815 of 2021

and

Crl.M.P.(MD)No.3991 of 2021

Sornalatha ... Petitioner/Accused No.7

Vs.

1.The Sub-Inspector of Police
Tiruchendur Police Station,
Thoothukudi District.
(In Crime No.149/2021)

... 1st Respondent/Complainant

2. A.N.Rajakannan ...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case registered in First Information Report in Crime No.149 of 2021, dated 10.04.2021, on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.G.Anto Prince
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking for a direction to quash the First Information Report in Crime No.149 of 2021, dated 10.04.2021, on the file of the first respondent police.

2.Heard both sides.

3.The main ground on which the petition is filed by the petitioner is that she is aged about 71 years and suffering from serious ortho problems and also sustained ankle fracture in both the legs and so she is bed ridden, since the past seven years. The place of occurrence is stated to be 50 Km away from the residence of the petitioner. So, apart from this ground a civil dispute is also mentioned, which we are also not considered, during the course of arguments.



4.The learned Additional Public Prosecutor submits that during the course of investigation by the first respondent, it came to be light that the petitioner is bed ridden for the past seven years and to that extent a statement may be placed on record and only during the course of filing of final report, the petitioner's name can be deleted or removed from the crime , as at this stage, it may not be possible.

5.This Court may be taken into account the photograph produced by the learned counsel for the petitioner and the medical record cannot be taken into account. But, these documents are not admitted documents by the learned Additional Public Prosecutor.

6.As I mentioned above, during the course of investigation, it came to light that the petitioner is bed ridden. The possibility or the probability of the petitioner to have been present in the place of occurrence or participation is highly doubtful.

7.So, Recording the statement of the learned Additional Public Prosecutor, this Criminal Original Petition stands disposed of. If necessity arise in future, the petitioner can approach this Court for appropriate remedy. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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 Sub-Inspector of Police

Tiruchendur Police Station, Thoothukudi District.

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.BALAMANIKANDAN, Advocate (SR-21089[F] dated 02/07/2021)

CrI.O.P. (MD)No.7815 of 2021

02.07.2021

sss(CO)

TR(13.07.2021) 2P 4C

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