



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.07.2021

Pronounced on : 01.11.2021

CORAM:

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

Crl.O.P.(MD)No.9984 of 2021

and

Crl.M.P(MD).Nos.5096 and 5097 of 2021

S.Dingston
S/o.Samuvel

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanyakumari District.

... 1st Respondent/ Complainant

2.Vinojilin
W/o.Jacob Selvaraja

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned charge sheet in S.C.No.44 of 2021 on the file of the First Additional Sessions Court, Nagercoil, Kanyakumari District and to quash the same as illegal.

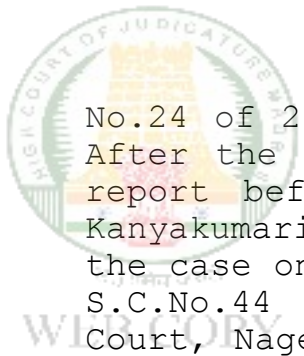
For Petitioner : Mr.G.Aravinthan
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor(Crl.Side)
for R1

ORDER

This petition has been filed to call for the records pertaining to the impugned charge sheet in S.C.No.44 of 2021 on the file of the First Additional Sessions Court, Nagercoil, Kanyakumari District and to quash the same as illegal.

2.The case of the prosecution is that on 13.01.2019 at about 11.30 A.M., at L.M.S. Higher Secondary School, while at the Bible class public Gathering, the petitioner attacked the victim/defacto complainant on his forehead with hand.

3.Based upon the complaint given by the second respondent herein, the first respondent police registered the case in Crime



No.24 of 2019 for the offence punishable under Section 307 of IPC. After the investigation, the respondent police had filed the final report before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and the learned Judicial Magistrate has taken the case on file in P.R.C.No.11 of 2020. Thereafter, it was taken in S.C.No.44 of 2021 before the learned First Additional Sessions Court, Nagercoil, Kanyakumari District for seeking quashment of the aforesaid case.

4.This petition is filed mainly on the ground that this petitioner is the sole accused and the first respondent police has not conducted a fair investigation and eventhough, the occurrence took place on 13.01.2019, the complaint was only registered on 17.01.2019. During the relevant point of time from November 2018 to May 2019, the church administration was managed by the Adhoc Committee, neither the petitioner's members nor the defacto complainants members interfered in the church administration, which clearly shows that the criminal case is only the afterthought and the prosecution story is only the brain child of the defacto complainant and further the prosecution story is nothing but the cock and bull story.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl. Side) appearing for the first respondent.

6.A trouble arose between the defacto complainant and the accused persons with regard to the church administration. As per the prosecution, the petitioner attacked the defacto complainant with hands and tried to murder him. During the course of investigation, a *prima facie* materials have been collected against the petitioner, in the form of statement of witness. The statement of the doctor, who treated the injured person, has also been examined, he stated that the injured/defacto complainant has sustained grievous injuries all over the body. The defacto complainant in his statement has stated that the petitioner assaulted him with hands by raising dispute with regard to the church administration and he was taken to the hospital and he was admitted as inpatient and discharged from the hospital on 19.01.2019. According to doctor, the defacto complainant sustained grievous injuries. The *prima facie* materials are available, it shows that the petitioner assaulted the defacto complainant and caused grievous injuries to him. The occurrence took place on 13.01.2019 and the case was registered only on 17.01.2019.

7.The contention of the petitioner is that no *prima facie* materials are available to proceed the case against him, is not at all accepted and this Court does not find any merits in the case.



8. Accordingly, this Criminal Original petition is dismissed with liberty to the petitioner to put forth his defence before the trial Court at the time of framing the charges. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

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 Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-33611[F] dated 02/11/2021)

Crl.O.P. (MD)No.9984 of 2021

01.11.2021

RD(07.02.2022) 3P 4C