



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.10665 of 2021

and

Crl.MP(MD)No.5443 of 2021

WEB COPY

Abilash ... Petitioner/2nd Accused

vs.

1.The State rep by
The Inspector of Police,
Thiruvattar,
Kanyakumari District.
(Crime No.577 of 2020) ... 1st Respondent/Complainant

2.Selvakumar ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.577 of 2020 pending investigation on the file of the 1st respondent police as against the petitioner/2nd accused and quash the same.

For Petitioner : Mr.S.Muniyandi
For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

This petition is filed seeking quashment of the records in Crime No.577 of 2020 pending investigation on the file of the 1st respondent police as against the petitioner/2nd accused.

2.The case of the prosecution is that on 25.12.2020, at about 04.30 p.m, when the defacto complainant speaking with his family members in front of the house, the accused persons were using filthy language. When the same was questioned by the petitioner, they abused the defacto complainant and his family members in filthy language and threatened them with dire consequence and also attacked them. So, a case in Crime No.577 of 2020 for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC was registered. Aggrieved against the same, this petition is filed.

3. By the order, dated 05.08.2021, a direction was issued to the Investigating Officer to go through the genuineness of the document produced by the petitioner as to see whether he was admitted in the hospital during the time of occurrence.



copy of the CDR data. It is seen that the petitioner was very much available in the place of occurrence.

5. According to the learned Additional Public Prosecutor, no alibi is available to him. So, the question of alibi cannot be taken at this stage. It is a matter for investigation and trial. The petitioner can work out his remedy, at the time of filing final report.

6. With the above said liberty, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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,
Thiruvattar,
Kanyakumari District.

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

Cr1.OP(MD)No.10665 of 2021

and

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RD/JC(29.10.2021) 2P 3C