



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.14826 of 2020

and

Crl.M.P(MD)No.7040 of 2020

WEB COPY

Marudhupandian

... Petitioner / Accused No.2

Vs.

1.State of Tamil Nadu

represented by

The Inspector of Police,
Solavanthan Police Station,
Madurai District.

[Crime No.366 of 2015]

...1st Respondent / Complainant

2.Pasumpoun

...2nd Respondent / Defacto
complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet proceedings in Spl.S.C.No.121 of 2018 on the file of the learned District and Sessions Court, Mahalir Neethimandram/POCSO Act, Madurai and quash the same as illegal insofar as the petitioner/accused No.2 is concerned.

For Petitioner	: Mr.R.Shankar Ganesh
For Respondent	: Mr.T.Senthil Kumar,
No.1	Government Advocate (Crl Side)
For Respondent	: No appearance
No.2	

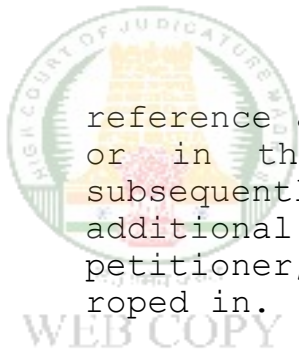
ORDER

The petitioner / accused No.2 has filed this petition to quash the proceedings pending against him in Spl.S.C.No.121 of 2008 on the file of the District and Sessions Court (Mahila Court), Madurai.

2.The respondent Police on the complaint of the second respondent Pasumpoun registered a case against this petitioner for the offence under Sections 448, 341, 506(i) IPC r/w 34 IPC and Sections 11(4) and 12 of the POCSO Act. After conducting investigation the respondent police has filed the final report as against this petitioner and two others. Challenging the final report,the petitioner/accused No.2 has filed this criminal original petition.

3.Mr.R.Sankar Ganesh, learned counsel for the petitioner submits that the complaint was lodged on 28.12.2015 and there is no

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reference about this petitioner either in the complaint, in the FIR or in the 161(3) CrPC statement recorded on that day. But subsequently, the petitioner has been made as accused in the additional 161(3) CrPC statement recorded on 14.12.2017 and the petitioner, who is in no way connected with the offence has been roped in.

4.The learned Standing Counsel for the State has produced 164 CrPC statement recorded by the learned Judicial Magistrate No.IV, Madurai from the petitioner on 01.08.2016, in which, the victim has stated as against this petitioner also and investigation revealed that the petitioner is also involved in the commission of offence and therefore, the final report has been filed as against this petitioner.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.The grounds, which are raised by the petitioner /accused No.2 before this Court can be appreciated only during the trial before the trial Court and the points raised by the learned Counsel for the petitioner cannot be considered for quashing the final report, which was filed based on the evidence collected by the investigating agency.

7.This petition is therefore, dismissed with liberty to the petitioner to raise all these grounds raised before the trial Court and consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AD)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

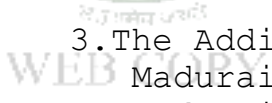
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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District and Sessions Court,
Mahalir Neethimandram /POCSO Act,
Madurai

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

RKN (28.07.2021) 3P 4C