



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.18404 of 2021 and
CRL.M.P.(MD)No.10126 of 2021

Vinu ... Petitioner / 4th Accused
Vs.

1. The Inspector of Police,
Thiruvattar police station,
Kanyakumari District.
(Crime No.279 of 2019)

2. Rani ... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in Crime No.279 of 2019 on the file of the first respondent police and quash the same as against the petitioners herein.

For Petitioner : Mr.K.P.Narayanakumar
For R-1 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the First Information Report in Crime No.279 of 2019 registered on the file of the first respondent for the offences under Sections 147, 294(b), 323, 307 and 506(i) of I.P.C.

3. When the matter was taken up for disposal, the learned Additional Public Prosecutor submitted that final report was filed and cognizance of the offences has also been taken. The case is now pending in P.R.C.No.21 of 2021 on the file of the Judicial Magistrate, Padmanabhapuram.

4. I can mould the relief and quash the impugned proceedings, if there is no case made out against the petitioner.

5. The learned Additional Public Prosecutor pointed out that in the statement under Section 161 of Cr.P.C., the petitioner's name has been specifically mentioned.



6. When overt acts have been attributed against the petitioner, the question of invoking inherent powers of the Court will not arise at all. The petitioner has to establish his innocence only before the trial Court in a regular trial. Therefore leaving open all the contentions and the defences of the petitioner, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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 police station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-37314[F] dated 03/12/2021)

Crl.O.P. (MD)No.18404 of 2021

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USK (14.12.2021) 2P 4C