



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.11.2021

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P. (MD)No.5469 of 2017

and

Crl.M.P(MD) .No.3860 of 2017

K.Santhosh @ Bhagavathiperumal
S/o.Kumar

... Petitioner/Accused A1

Vs.

1.The Inspector of Police,
Aralvaimozhi Police Station,
Kanniyakumari District.
(Crime No.460 of 2013)

2.Indira

(R2- *Suo motu* impleaded as per order of this Court dated 16.06.2021
in Crl.O.P(MD) .No.5469 of 2017)

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.152 of 2015, pending on the file of the learned Judicial Magistrate, Boothapandy and quash the proceedings against the petitioner.

For Petitioner	: No appearance
For R1	: Mr.A.Thiruvadikumar Additional Public Prosecutor
For R2	: Mr.K.Prabhu Legal Aid counsel

O R D E R

This petition is filed seeking to quash the proceedings in C.C.No.152 of 2015, on the file of the learned Judicial Magistrate, Boothapandy, as against the petitioner, which was registered for the offences punishable under Sections 294(b), 506(i) of IPC and 3 of TNPPDL Act.

2.This petition is filed by the first accused in C.C.No.152 of 2015, to quash the proceedings pending against him, on the ground that it is a counter case, in Crime No. 459 of 2013 and further it is also contented in the quash petition that the FIR has been registered against three persons, but the final report has been filed only against this petitioner.



3.The learned Additional Public Prosecutor would submit that the charge sheet has been filed and the trial already commenced sofar 7 witnesses were examined. He would further submit that the 161 Cr.P.C statement of the witness clearly make a case against this petitioner herein, for the offences punishable under Sections 294 (b), 506(i) of IPC and 3 of TNPPDL Act.

4.In an earlier occasion, this Court found that the petitioner herein is not impleaded the defacto complainant hence, this Court *Suo mottu* impleaded the defacto complainant and Mr.K.Prabhu was appointed as Legal Aid Counsel to defend the defacto complainant/second respondent in this case.

5. It appears that the trial has already been commenced and the defacto complainant has been examined by the prosecution and this Court found out a *prima facie* case in the final report for the reason why the co-accused names not mentioned in the final report.

6.This Court is of the view that the petitioner has to face trial and prove his innocence during the course of trial. Since the alleged crime is of the year 2015, the learned Judicial Magistrate, Boothapandy is directed to complete the trial in C.C.No.152 of 2015 as expeditiously as possible and dispose of the same on merits and in accordance with law. In the result, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// 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.Judicial Magistrate,
Boothapandy

2.The Inspector of Police,
Aralvaimozhi Police Station,
Kanniyakumari District.

<https://hcservices.courts.gov.in/hcservices/>



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

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.5469 of 2017
19.11.2021

MGJ(15.12.2021) 3P 5C