



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.10367 of 2018
and CrI.M.P.No.5377 of 2018

1.Shanmugaraj

2.Mathivanan

...Petitioners

Versus

1. State, Represented by
Inspector of Police,
Killai Police Station,
Cuddalore District.
(Crime No.76 of 2014)

2.Pandian

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for all the records in P.R.C.No.48 of 2017 on the file of Judicial Magistrate-1, Chidambaram under Section 324, 109, 307 of I.P.C and quash the charge sheet.

For Petitioners : M/s.R.Sankarasubbu

For Respondents : Mr.R.Kishore Kumar for R1
Government Advocate(CrI.side)
Mr.V.Lakshminarayanan for R2

O R D E R

This Criminal Original Petition has been filed to call for all the records in P.R.C.No.48 of 2017 on the file of Judicial Magistrate-1, Chidambaram and quash the charge sheet.

2. The Crux of the charge is that the accused have made an attempt on the witness and caused injury and the final report has been filed for the offence under Sections 294(b), 324, 109 and 307 of I.P.C which was taken on file as P.R.C No.48 of 2017.

3. The learned counsel for the petitioners mainly contended that the petitioner is a student at the relevant point of time. He further submitted that there is a counter case filed by the



petitioners and the same has not been properly investigated and no complaint copy or details of the case were filed in the final report. Therefore, considering the material, it violates the procedures contemplated under Section 588-A of the Police Standing Orders. Hence, the entire final report has to be quashed. and hence,

4. I am unable to persuade myself to accept the submission of the learned counsel for the petitioners as the final report indicates that the petitioners caused injury on the body of the witness and the final report itself has been filed for alleged attempt on life of the person. Merely because the complaint said to have been given by the petitioners has not been properly investigated in the counter case that cannot be a ground to quash the final report entirely.

5. In such view of the mater, I am of the view that if there any violation of Police Standing Orders, the final report cannot be quashed. At the most, it will be a proper defence of the accused before the Trial Court. It is for the petitioners to take all their defence before the trial Court.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1.The Judicial Magistrate-1,
Chidambaram.

2.The Inspector of Police,
Killai Police Station,
Cuddalore District.

3.The Public Prosecutor
High Court, Madras.

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PL(CO)
GN(01/02/2022)