



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.10420 OF 2022

AND

CRL.M.P.NOS.6235 &6237 OF 2022

1.Selvam

2.Selvanathan

...Petitioners

Versus

1. The Inspector of Police,
Sirkazhi Police Station,
Mayiladudurai District,
Madurai District.
Crime No.1237 of 2021.

2. Mohana Krishnan
S/o.Ramasamy
VAO, Varsapathur,
Vadagal, Sirkazhi,
Mayiladudurai District.

...Respondents

PRAYER :

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to a case in PRC.No.6 of 2022, on the file of the Judicial Magistrate, Sirkazhi, Mayiladudurai District and quash the same.

For Petitioners : M/s.C.Karuppasamy Pandiyan
For Respondent : Mr.A.Gokulakrishnan for R1
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings pending in PRC.No.6 of 2022 on the file of the learned Judicial Magistrate, Sirkazhi, Mayiladudurai District.

2. Learned counsel for the petitioner submitted that the petitioners herein are arrayed as A5 and A6 for the offence under Section 174 of Cr.P.C. later altered into Sections 147, 342, 324, 302, 323 and 109 of IPC. He further submitted that



except the confession of the co-accused, there is no material available on record and therefore, the proceedings are liable to be quashed.

3. At the outset, this Court is unable to agree with the above submission. Even during the course of trial, many materials may emerge though it is not recorded either under Section 161 Cr.P.C. or under Section 164 of Cr.P.C. Therefore, at this stage, the Court cannot go into the probative value of the statements or materials acquired by the prosecution. It requires appreciation of evidence.

4. In such view of the matter, this Court is not inclined to exercise its power under Section 482 of Cr.P.C. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

5. However, learned Judicial Magistrate, Sirkazhi, is directed to expedite the committal proceedings. On such committal, the Trial Court shall expedite the trial and dispose of the case as expeditiously as possible.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ksa-2/nr
To

1. The Judicial Magistrate, Sirkazhi,
Mayiladudurai District.
2. The Chief Judicial Magistrate,
Nagapattinam.
3. The Inspector of Police,
Sirkazhi Police Station,
Mayiladudurai District,
Madurai District.
4. The Public Prosecutor,
High Court, Madras.

Crl. O.P. No.10420 of 2022
and
Crl.M.P.Nos.6235 &6237 of 2022

GPL(CO)
PM/20/06/2022