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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.11756 OF 2022

&

CRL.M.P.NOS.6674 & 6677 OF 2022

Mathanraj

... Petitioner/Accused No.9

.Vs.

The State by
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
[Crime No.122 of 2014]

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records entire records connected with the case in P.R.C.No.11 of 2021 on the file of the learned Judicial Magistrate No.II, Dharmapuri and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the case in P.R.C.No.11 of 2021 on the file of the learned Judicial Magistrate No.II, Dharmapuri for the offences under sections 120B, 153A, 109 of IPC, Sections 4[a], 5, 6 of Explosive Substances Act, 1906 and Section 25[1B][a] of Arms Act.

2. It is the contention of the learned counsel for the petitioner that this case has been foisted against the petitioner with a malifide intention due to some other incident which rocked the state where one of the couple who married in



dominate community was done to death. It is his further contention that no sanction or approval has been obtained to maintain prosecution as required under both the enactments. Further it is submitted that this petitioner has been made as an accused only on the basis of the confession of the other accused. Therefore, seeks to quash the charges against the petitioner.

3. The learned Additional Public Prosecutor submitted that the Final Report has already been filed in this case and the allegations pressed into service makes out prima facie case against the petitioner and certain arms and explosive substances have also been seized in this case and hence, prayed for dismissal of this petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. A perusal of the records indicates recovery of arms and explosives from the accused. At this stage, appreciating evidence as to its validity amounts to conducting mini trial. The petitioner is at liberty to raise all his defence before the trial Court and this Court cannot go into the merits of the statements or the documents etc. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. In view of the submissions of the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C. and any other dates fixed by the trial Court.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.



2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No.37767

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VG-II (CO)
PBS/30/06/2022