



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/05/2022

CORAM

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.8808 of 2022 and
Crl.MP(MD).No. 5924 of 2022

Ramji @ Ramajeyam ... Petitioner/Accused No.5

Vs

1. State Rep. by
The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District,
(Crime No.34 of 2022) ... Respondent 1/Complainant

2.C.Ramki ... Respondent No.2/
Defacto Complainant

PRAYER :- This Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records and quash the FIR in Crime No.34 of 2022 on the file of the 1st respondent Police.

For Petitioner : Mr.K. Baalasundaram
Advocate.

For Respondent : S.Ravi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.34 of 2022 on the file of the 1st respondent Police.

2. The case of the prosecution is that A1 has borrowed a sum of Rs.1,50,000/- from the defacto complainant's father and that since the defacto complainant's father asked A1 to repay the amount on several occasions. Due to which, on 21.02.2022, A1 along with other accused attacked the defacto complainant's father and his mother and caused injuries. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner herein / A5 is a student and studying at PGP College of Agricultural Sciences, Namakkal. He would further submit that, on the date of occurrence, the petitioner herein is not available in the scene of occurrence. He attended the semester exam in the college and the same was verified by the police authorities and hence, on the sole ground the FIR registered against the petitioner may be quashed.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is not available in the scene of occurrence and the law enforcing agency, during the investigation secured the record from the concerned college. He would further submit that if such record is available, the petitioner's name will be deleted at the time of filing the charge sheet.

5. In view of the aforesaid submission made by the learned Additional Public Prosecutor, if the record shows that the petitioner is not available in the scene of occurrence and he is attending the examination in the college, the respondent police is directed to delete the petitioner's name while filing the charge sheet.

6. With the above observation, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp/tta

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,
Vadakadu Police Station,

<https://hcds.courts.gov.in/hcds/ServiceDistrict>



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

+1 CC to M/s.K. BAALASUNDHARAM, Advocate (SR-23705[F] dated
13/05/2022)

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MGJ(19.05.2022) 3P 4C