



Crl.O.P.(MD) No.15194 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15194 of 2022

B.Pandeeswaran

... Petitioner/Accused No. 25

Vs

1. The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
(In – Crime No. 93 of 2016)

... 1st Respondent/ Complainant

2. V.Marisamy

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case in file in S.C.No.138 of 2017, on the file of the Additional District and Sessions Court, Viruthunagar and quash the same.

For Petitioner : Mr.K.Suresh

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)

For R2 : Mr.S.Ilavarasan



Crl.O.P.(MD) No.15194 of 2022

ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in S.C.No.138 of 2017, on the file of the Additional District and Sessions Court, Viruthunager.

2. The case of the prosecution is that due to previous enmity between the petitioner and the other accused persons, they have attacked each other. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner was arrayed as A-26, out of 28 accused in Crime No.93 of 2016 for the offences under Sections 147, 148, 294(b), 323, 324, 506(ii), 452, 336 & 307 of IPC. He further submitted that, after completion of investigation, the first respondent filed a final report under Section 173 of Cr.P.C, before the Judicial Magistrate Court-I, Viruthunagar, on 19.01.2017. He further submitted that in Final Report No.15 of 2017, the petitioner was arrayed as A-25, for the offence under Section 147, 148, 294(b), 324, 506(ii) and 149 I.P.C., and the same was taken on file by the Judicial Magistrate Court-I,



Crl.O.P.(MD) No.15194 of 2022

Viruthunagar and numbered as P.R.C No.7 of 2017, on 16.08.2017, before the Judicial Magistrate Court – I, Viruthunagar, for the purpose of committal proceedings. He further submitted that the case was taken on file before the Additional District and Sessions Court, Viruthunagar in S.C.No. 138 of 2017. Therefore, he prays to quash the charge sheet filed against the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that charge has been framed against all the accused and final report has been filed for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii), 302, 325, 149 and 341 I.P.C. Even though a separate charge sheet has been framed under Section 302 of IPC, which is not framed against the petitioner, the charge sheet filed against the petitioner cannot be quashed.

5. I have considered the submissions made by the learned counsel on either side.



Crl.O.P.(MD) No.15194 of 2022

6. On a perusal of the records, it is seen that the petitioner is arrayed as 25th accused in this case . The respondent police filed charge sheet for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii), 302, 325, 149 and 341 I.P.C. In these circumstances, the partial quash is not permissible, since the entire proceedings pending before the trial Court. Therefore, it is not proper to quash the proceedings on the ground of compromise between the petitioner and the defacto complainant.

7. Therefore, this Court finds no merit in this petition. Accordingly, this Criminal Original Petition is dismissed. However, the trial Court is hereby directed to dispose of the case as early as possible, since the case is of the year 2017.

24.08.2022

Internet: Yes./No
Index: Yes/no
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Crl.O.P.(MD) No.15194 of 2022

To

1. The Additional District and Sessions Court,
Viruthunagar.
2. The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.15194 of 2022

V.SIVAGNANAM, J.

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