



Crl.O.P.(MD) No.15598 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 06.09.2022

PRONOUNCED ON : 14.10.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.15598 of 2022
and

Crl.M.P(MD)Nos.10243 and 10245 of 2022

D.Senthil

...Petitioner

vs

1.The State represented by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
(Crime No.1485 of 2022)

2.Rajasekaran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the charge sheet in P.R.C.No.16 of 2021 on the file of the learned Judicial Magistrate, Pattukottai, and quash the same insofar as the petitioner is concerned.

For Petitioner
For R1

: Mr.K.Mahendran
: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

Heard Mr.K.Mahendran, learned Counsel for the Petitioner and Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor for Respondent No.1.

2.The learned Counsel for the Petitioner would submit that the Petitioner had been arrayed as an accused based on the confession statement given by the main accused Vairavamoorthy (Kandy). The learned Counsel for the Petitioner invited the attention of this Court to the final report filed in this case and also the special report. He would further submit that in similar cases registered in Crime Nos. 1473 and 1480 of 2020 of the Madukoor Police, based on the very same confession, the Petitions under Section 482 of Cr.P.C were allowed. The learned Counsel for the Petitioner relies on the following judgments:

(a) (2001) 1 SCC 378 (Saju vs State of Kerala); and

(b) (2015) 11 SCC 31 (Indra Dalal vs State of Haryana)



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3.The learned Additional Public Prosecutor vehemently objected to quash the proceedings stating that the weapon used by the accused measured two feet length and the ground raised by the accused herein can very well be canvassed before the Trial Court during trial as valuable defence and not before this High Court, while exercising extraordinary powers under Section 482 of Cr.P.C. Therefore, this Petition has no merit and this Petition to quash P.R.C.No.16 of 2021 is to be dismissed.

4.On perusal of the Rulings cited by the learned Counsel for the Petitioner, the contention of the Petitioner that on the basis of the confession of the co-accused, the Petitioner's name had been included is found to be true. On perusal of records in P.R.C.No.16 of 2021 pending on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District, it is the case of the Petitioner that the co-accused, by name, Vairavamoorthy (Kandy), who was arrested in this case, had given a confession statement. Except the said statement, there is no other material to link the Petitioner to the offence. Therefore, he seeks quashment of charge sheet.



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5.Considering rival submissions, the submission of the learned Counsel for the Petitioner is found justified in the light of the reported Ruling in ***(2001) 1 SCC 378 (Saju vs State of Kerala)***. Hence, this Petition is allowed and the charge sheet in P.R.C.No.16 of 2021 on the file of the learned Judicial Magistrate, Pattukottai, is quashed in so far as the Petitioner is concerned. Consequently, connected Miscellaneous Petitions are closed.

14.10.2022

Index:Yes/No

aav/cmr

To

1.The Judicial Magistrate, Pattukottai.

2.The Inspector of Police,
Madukkur Police Station,
Thanjavur District.



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SATHI KUMAR SUKUMARA KURUP, J.

aav/cmr

Order made in
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14.10.2022