



Crl OP No. 5305 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5305 of 2021 and
Crl.M.P.Nos.3391 and 3392 of 2021

Ram @ Ramkumar

...Petitioner/14 th Accused

Versus

1. Stateby

The Inspector of Police,
F-2, Arovil Police Station,
Villupuram District.

2.Raji

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the entire records pertaining to the P.R.C. No.31 of 2018 on the file of the Judicial Magistrate, Vanur, and quash the same in respect of the petitioner.

For Petitioner	:	Mr.B.Kumarasamy
For R1	:	Mr. A.Damodaran
		Additional Public Prosecutor



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ORDER

The petition is to quash the final report for the alleged offences under Sections 302, 120 B and 114 of the Indian Penal Code.

2. Mr. B.Kumarasamy, the learned counsel for the petitioner would submit that there is no evidence except for the confession of co accused, which cannot be the basis to prosecute the petitioner. Hence, he prayed for quashing of the final report.

3. Mr. A. Damodaran, the learned Additional Public Prosecutor, for the first respondent submitted that he is right for committal.

4. This Court is of the view that the point raised by the petitioner, that there is no evidence to proceed against the petitioner and hence, there is no ground for framing charge against him, is factual in nature. Hence, this Court is not inclined to entertain this petition. However, the petitioner is at liberty to raise the above submission at the stage of charge framing. The learned Sessions Judge, may consider the same on merits and in accordance with law.



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5. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

27.06.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Judicial Magistrate,
Vanur.

2. The Inspector of Police,
F-2, Arovil Police Station,
Villupuram District.

3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN, J

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