



WEB COPY



CrI.O.P.No.21701 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CrI.O.P.No.21701 of 2019 and
CrI.M.P.No.11251 of 2019

Parishith @ Parisidhu

... Petitioner

Vs.

1.State rep by its
The Inspector of Police,
Kottakuppam Police Station,
Villupuram District-605 104.

2.R.Gopalakrishnan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in PRC.No.09 of 2019 on the file of the learned Judicial Magistrate, Vannur, Villupuram District and quash the same.

For Petitioners : Mr.V.Vargees Amal Raja

For Respondent 1 : Mr.A.Damodaran
Additional Public Prosecutor

For Respondent 2 : No appearance



CrI.O.P.No.21701 of 2019

WEB COPY

ORDER

This Criminal Original petition has been filed to quash the final report in PRC.No.09 of 2019 for the offences under Sections 147, 148, 294(b), 323, 324, 307, 506(2) of IPC on the file of the learned Judicial Magistrate, Vannur, Villupuram District.

2. It is alleged in the final report that on account of the dispute between two groups in the village, the accused had unlawfully assembled with the accused persons. It is alleged that A1 had attacked the defacto complainant with knife and other accused had attacked him with iron rods. A7, A8 and A9 had abused the defacto complainant in a filthy language. Hence, a case has been registered in Crime No.46 of 2016 by the respondent police and final report has been filed before the concerned Court.

3. The learned counsel for the petitioner would submit that the



CrI.O.P.No.21701 of 2019

WEB COPY

5. On perusal of the final report, this Court found that the alleged occurrence took place on 18.01.2016. Normally, this Court would not entertain a plea of alibi in a quash petition as it is a factual issue. However, the instant case is peculiar and in view of the documents produced by the petitioner and the submissions of the learned Additional Public Prosecutor, the continuation of prosecution against the petitioner would be an abuse of process.

6.The Principal of the college in which the petitioner studied had issued a certificate, wherein it is stated as follows:

“This is to certify that Parisidhu M(Reg No.421613105059), studying III year “Sec.B” in the Department of Electrical and Electronic Engineering. He attended the Anna University examination on 18.01.2016 at Mailam Engineering College. Herewith I have enclosed



CrI.O.P.No.21701 of 2019

attendance sheet copy for your kind perusal”.

WEB COPY

Further, the examination of attendance sheet issued by Anna University also shows that the petitioner had attended college on 18.01.2016. The documents of sterling quality produced by the petitioner cannot be justifiably refuted by the respondent. The submission of the learned Additional Public Prosecutor that the respondent had subsequently verified and found that the certificates were true and the petitioner attended college would make it clear that the prosecution against the petitioner is an abuse of process.

7. Therefore, the impugned final report in so far as the petitioner is quashed. Hence, the proceedings in PRC.No.09 of 2019 on the file of the learned Judicial Magistrate, Vannur, Villupuram District in so far as the petitioner alone is quashed.

8. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.



Crl.O.P.No.21701 of 2019

03.04.2023

WEB CRYM

Index: Yes/No

Speaking / Non Speaking Order
nr

SUNDER MOHAN, J

nr

To

1.The Judicial Magistrate, Vannur, Villupuram District

2.The Inspector of Police,
Kottakuppam Police Station,
Villupuram District-605 104.

3.The public Prosecutor,
High Court of Madras.

Crl.O.P.No.21701 of 2019



WEB COPY



CrI.O.P.No.21701 of 2019

03.04.2023