



Crl.O.P.No.25589 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.25589 of 2019

and

Crl.M.P.Nos.13698 & 13699 of 2019

K.Rathinavel

...Petitioner

-Vs-

1.The State rep. by
The Superintendent of Police,
CBCID, Puducherry,
Puducherry State.

2.Gnanasekaran

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Spl.S.C.No.19 of 2018 (S.C.No.33 of 2017) on the file of the Special Judge (Under Schedule Caste & Schedule Tribe (Prevention of Atrocities Act, 1989) Puducherry and to quash the same as against the petitioner.

For Petitioner : Mr.V.J.Arulraj

For R1 : Mr.K.S.Mohan Das,
Additional Public Prosecutor,
Puducherry

For R2 : No appearance



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ORDER

The Criminal Original Petition has been filed to quash the proceedings as against the petitioner herein in Spl.S.T.C.No.19 of 2018 (S.C.No.33 of 2017) on the file of the Special Judge (Under Schedule Caste & Schedule Tribe (Prevention of Atrocities Act, 1989) Puducherry.

2.It is alleged in the complaint that the petitioner along with others had committed offence under Sections 143, 120(B), 109, 302 of IPC r/w 149 of IPC and Sections 3, 4, 5 and 6 of Explosive Substances Act, 1908.

3.The learned counsel for the petitioner submits that the petitioner has been falsely implicated though the name of the petitioner was not found in the First Information Report; that none of the witnesses have implicated the petitioner; that the reading of the final report and the materials filed in support of the final report do no suggest that the petitioner was involved in the alleged offences.

4.The learned Additional Public Prosecutor submits that the trial has commenced in the instant proceedings and he prayed for dismissal of the quash petition.

5.This Court on reading of the impugned final report and the



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submissions made by the learned counsel for the petitioner, finds that the submissions are factual in nature and the same has to be adjudicated only before the Trial Court. Those issues cannot be decided in the quash petition. Hence, this Court is not inclined to entertain this Criminal Original Petition and this same is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed. However, the petitioner is at liberty to raise all those points before the Trial Court.

28.03.2023

smv

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

To,

The Superintendent of Police,
CBCID, Puducherry,
Puducherry State.

SUNDER MOHAN,J.

smv



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