



Crl.O.P(MD).No.315 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

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1.Palraj
2.Muthamil
3.Murugeshkumar

...Petitioners

Vs

1.State represented by
The Inspector of Police,
Vanniampatti Police Station,
Virudhunagar District.
(Crime No.173 of 2019)

2.Dineshkumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in S.C.No.70 of 2020 on the file of the first Additional Sessions Court, Srivilliputhur, Virudhunagar District and quash the same.

For Petitioners	: Mr.V.Karthirvel, Senior Counsel For Mr.K.Prabhu
For 1 st Respondent	: Mr.M.Sakthi Kumar Government Advocate (Crl. Side)

ORDER



This petition is filed to quash the chargesheet in S.C.No.70 of 2020 on the file of the first Additional Sessions Court, Srivilliputhur, Virudhunagar District.

2.The case of the prosecution is that one Vimal Kumar called the defacto complainant and informed him that his uncle by name Anbukani was creating problem in a drunken mood and he requested him to take his uncle from the place of occurrence and that the defacto complainant and his friend by name Muniyandi went to the house of the deceased wherein the deceased was abusing his neighbor in filthy language and he refused to accompany the defacto complainant and four times, the deceased picked up the quarrel with the neighbors and others and he refused to accompany the defacto complainant. At the request of Vimal Kumar, the defacto complainant locked the deceased inside the house and locked the door from outside. When the defacto complainant and his friends were talking outside the house of the deceased, the deceased fell down from the upstairs of the house and after pacifying him to sleep, the defacto complainant, the petitioners and his friends went away from the scene of occurrence. On the next day on 22.10.2019, at about 08.30 a.m., on information from Vimal kumar, the defacto complainant went to his house and found the deceased died and he has given a complaint under Section 174 of Cr.P.C., to the respondent police.



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3.On the side of the petitioners, it is stated that the deceased used to pick up quarrel with the neighbors and on the date of occurrence, he created problem and abused everyone in a drunken mood. The defacto complainant locked the deceased in the room. In the drunken mood, he fell from the upstairs and he was found dead, the next day. There was no enmity between the petitioners and the deceased. The second petitioner was working as a Salesman in the ration shop in Srivilliputhur and the third petitioner has passed an exam conducted by the Indo Tibet Border Police and that they were no way connected with the case and prayed the FIR to be quashed.

4.On the side of the petitioners, it is further stated that there was only abrasion on the body of the petitioners. The respondent Police developed the case into a murder case and impleaded the petitioners in the case.

5.On the side of the prosecution, it is stated that due to some personal enmity between the petitioners and the deceased regarding some water connection, the petitioners assaulted the deceased and the points raised by the petitioners are matters to be decided in the trial. As per the PMR report, there is no traces of alcohol in the body of the deceased and that the deceased was not in a drunken mood at the time of occurrence. There was head injury and



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due to the assault by the petitioners.

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6.It is seen that this case was registered as a murder case. The cause of death can be decided only after the completion of the trial. As per the version of the prosecution, there seems to be some enmity between the petitioners and the deceased and there was some commotion between the petitioners and the deceased on the date of occurrence.

7.In the view of the same, it is decided that a detailed enquiry is necessary and hence, this Criminal Original Petition is dismissed. No Costs.

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NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn



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To

- 1.The I Additional Sessions Judge,
Srivilliputhur, Virudhunagar District.
- 2.The Inspector of Police,
Vanniampatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R. THARANI,J.

Mrn

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