



Crl.O.P(MD).No.3447 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.3447 of 2020

K.G.Udhayakumar

...Petitioner

Vs

1. The Inspector of Police
Kaliyakkavillai Police Station,
Kanyakumari District

2. Albert Singh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to the proceedings in C.C. No.81 of 2019 on the file of the learned Judicial Magistrate No.I, Kuzhithurai and may quash the same with respect to the petitioner herein.

For Petitioner : Mr.B.Brijesh Kishore

For R-1 : Mr.M.Sakthikumar
Government Advocate(Crl.Side)

For R-2 : Mr.S.Sivakumar



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No.81 of 2019 on the file of the learned Judicial Magistrate No.I, Kuzhithurai

2. According to the petitioner, the first respondent herein registered a case in Crime No.785 of 2012 dated 12.10.2012 against the petitioner and two others for the offences under Sections 294(b),506(ii) of IPC and Section 3 of TNPPDL Act,1992. The respondent police after completing investigation filed charge sheet and the same was taken on file in C.C.No.81 of 2019 by the learned Judicial Magistrate No.I, Kuzhithurai. On the date of alleged occurrence, the petitioner was not present in the scene of occurrence and he was travelling in a flight from Trivandrum to Chennai. Further there are no ingredients to constitute the offence and due to political motive this petitioner has been falsely implicated in this case. Further money dispute is also pending between the parties. In order to harass the petitioner this complaint has been given and charge sheet has also been taken on file, this is pure abuse of process of law, hence the proceedings in C.C. No.81 of 2019 on the file of the learned Judicial Magistrate No.I, Kuzhithurai has to be quashed.



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3. When the case is taken up for hearing today, the learned Government Advocate(Crl.Side) appearing for the respondent represented that charge sheet has been filed and the same is pending for further proceedings only because of the pendency of this petition.

4. The learned counsel appearing for the second respondent/defacto complainant represented that the case is pending from the year 2019 and as per the final report there are *prima facie* materials available and thereby the first respondent has laid final report before the Court concerned and the same was taken on file, hence the present petition will not lie and it is liable to be dismissed.

5. The main contention of the petitioner is that on the date of occurrence he was not present in the place of occurrence and has taken the plea of alibi and the same has to be taken as defence before the trial Court and not before this Court and at this stage this Court cannot look into the defence taken by the learned counsel for the petitioner. Since there are *prima facie* materials available as against the petitioner, the first respondent has filed final report and the concerned Court has also taken cognizance. Further the offences are grave in nature and thereby elaborate trial is required in this case. All the



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grounds raised by the petitioner in this petition can to be raised before the trial Court at the time of trial, therefore this petition is liable to be dismissed.

6. Since the case is pending from the year 2019, it is appropriate to direct the trial Court to conclude the proceedings as early as possible. Accordingly the trial Court is directed to dispose the case as early as possible without giving any long adjournments..

7. With the above said observation and direction, the Criminal Original Petition is disposed of.

07.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

1. The Judicial Magistrate No.I, Kuzhithurai
2. The Inspector of Police
Kaliyakkavillai Police Station,
Kanyakumari District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

P. DHANABAL,J.



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