



Crl.O.P.(MD)No.4060 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **06.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.4060 of 2023
and Crl.M.P.(MD)No.3628 of 2023

1.Jebin

2.Jenish

... Petitioners/Accused No.1 & 2

Vs.

1.Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... 1st Respondent/Complainant

2.Thanisilas

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, call for the records in charge sheet S.T.C.No.1610 of 2022 on the file of the Judicial Magistrate Court No.1, Kuzhithurai, Kanyakumari District and quash the same.

For petitioner : Mr.D.Christenson Jugunu

For R1 : Mr.B.Nambiselvan,
Addl. Public Prosecutor.



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet filed in S.T.C.No.1610 of 2022 on the file of the Judicial Magistrate Court No.1, Kuzhithurai, Kanyakumari District.

2.The learned counsel for the petitioner would submit that even though the case has been registered for the offence punishable under Sections 341, 294(b), 323, 506(i), 379 of IPC, due to the previous enmity only the above complaint has been preferred after three days of the alleged occurrence.

3.However, the learned Additional Public Prosecutor would submit that to prove the injuries suffered by the defacto complainant namely Danislas, was treated by witness No.7 the Medical Officer, of the Government Hospital, Marthandam. He produced the Wound Certificate. Whether the defacto complainant suffered any injury or not and whether there is a delay in filing the complaint, are fatal to the prosecution is a matter of trial. Whether it is a false case or true case is matter of consideration during the trial. This Court cannot decide the all those things sitting under Section 482 Cr.P.C. Hence, there is no reason to



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entertain this petition.

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4. Accordingly, this criminal original petition is **dismissed**.

However, there shall be a direction to the trial Court namely the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, to expedite the trial process in S.T.C.No.1610 of 2022, and complete the same within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

06.03.2023

Index : Yes/No

Internet : Yes/No

TM

To

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



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G.ILANGOVA. J.

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