



Crl.O.P.(MD)No.4874 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.03.2023

Delivered on : **29.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.4874 of 2020

and

Crl.M.P.(MD)No.2815 of 2020

M.Murugaraj

... Petitioner /Accused No.3

Vs.

1.The State through

The Inspector of Police,

C3, S.S. Colony Police Station (L&O),

Madurai City.

In Crime No.656 of 2016 ... 1st respondent / Complainant

2.P.Ramesh ... 2nd respondent /defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in the final report in P.R.C.No.360 of 2019, on the file of the Judicial Magistrate No.V, Madurai and to quash the same as against the petitioner.

For Petitioner : Mr.N.Sundhareshan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side) for R1

: No appearance for R2



Crl.O.P.(MD)No.4874 of 2020

ORDER

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This petition is filed to quash the final report in P.R.C.No.360 of 2019, on the file of the Judicial Magistrate No.V, Madurai.

2. The case of the prosecution is that on 07.06.2016, at about 6.00 pm., on the instigation of the first accused, the petitioner and other accused were issuing pamphlets against the victim's boss. When the same was questioned, three persons attacked him and they damaged his car and they caused damage to the worth of Rs.25,952/- and a case in Crime No.656 of 2016 was registered against the petitioner and after investigation, a final report was filed before the Judicial Magistrate No.V, Madurai and the same was taken on file as P.R.C.No.360 of 2019.

3. On the side of the petitioner, it is stated that only because the petitioner is the friend of the first accused, they were roped in to a false case. There was no piece of document to show that the petitioner involved in the alleged occurrence. In the complaint dated 08.06.2016 and in the 161 statement recorded on 08.06.2016 and in the further 161 statement recorded on 26.10.2017, the name of the petitioner was not mentioned any where. Only based on an alleged confession statement of



the first accused, the petitioner was roped into the case and that even the alleged confession statement was not signed by the first accused and he prayed the proceedings in P.R.C.No.360 of 2019 on the file of the Judicial Magistrate No.V, Madrurai, against the petitioner is to be quashed.

4. On the side of the prosecution, it is stated that the first accused and the defacto complainant are neighbours, the defacto complainant is running a Hotel. There is a land dispute between the first accused and the defacto complainant. It is further stated that on the confession of the first accused, which was recorded in the presence of two witnesses, the petitioner was impleaded in the case. The first accused is an adjoining land owner, the first accused dashed his car inside the hotel and he caused injury to the general public. The petitioner used the name of the first accused when they indulged in the offence and prayed the petition to be dismissed.

5. A perusal of the records reveals that in the complaint and in the 161 statements recorded by the Police, the name of the petitioner did not find place. The Witnesses gave statements that they can identify the



Crl.O.P.(MD)No.4874 of 2020

accused. The case of the prosecution is that the first accused was arrested and a confession statement was recorded, wherein, he has mentioned the name of the petitioners. The further case of the prosecution is that the first accused refused to sign the confession statement.

6. It is seen that when the name of the petitioner was not in the F.I.R and in other records, the petitioner obtained anticipatory bail. In the 161 statement, it was mentioned that the witnesses can identify the accused. Only after the completion of the trial, it can be decided whether the witness can identify the petitioner and whether the petitioner involved in the offence, it is decided that this case require a trial. Hence, this Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Ls

29.03.2023



CrI.O.P.(MD)No.4874 of 2020

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- 1.The Judicial Magistrate No.V,
Madurai.
- 2.The Inspector of Police,
C3, S.S. Colony Police Station (L&O),
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.4874 of 2020

R.THARANI. J.

Ls

Crl.O.P.(MD)No.4874 of 2020

29.03.2023