



Crl.O.P.(MD) No.4918 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.4918 of 2020

and

Crl.M.P(MD)Nos.2840 & 2841 of 2020

1.N.Sadhasivam

2.P.Gnanasekar

...Petitioners/A7 & A8

Vs.

1.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.108 of 2018)

2.M.Murugan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to C.C.No.532 of 2018 on the file of the learned Additional Mahila Court, Nagercoil and quash the same as regards the petitioners.

For Petitioners : Mr.S.Sureshkumar
For Respondents : Mr.R.Meenakshi Sundaram
Addl. Public Prosecutor (for R1)
No appearance for R2



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ORDER

The petitioners are arrayed as A7 and A8 in C.C.No.532 of 2018 on the file of the Additional Mahila Court, Nagercoil.

2.It is alleged in the charge sheet that on account of prior enmity between the defacto complainant and the first accused, the first and second accused attacked the defacto complainant. It is further alleged that the petitioners had attacked one Vanajan, who is L.W.2 in the charge sheet.

3.The learned counsel for the petitioners submitted that the allegations are false. The petitioners' name was not found in the First Information Report and their names have been included during investigation.

4. The learned Additional Public Prosecutor submitted that the points raised by the petitioners can be raised and adjudicated only in the trial. The question whether the defacto complainant and other witnesses



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ought to be believed, has to be decided only in the trial and hence, he prayed for dismissal of this petition.

5. This Court finds that in the First Information Report, name of the petitioners were not found. However, in the final report, it is alleged that they had attacked L.W.2 one Vanajan who is the brother of the defacto complainant. The question as to whether the witnesses ought to be believed or not and the question as to whether the allegations against the petitioners are false, cannot be adjudicated in a quash petition. It is needless to say that the petitioners can raise all these points before the trial. Hence, this Court is not inclined to quash the charge sheet as against the petitioners. However, the Trial Court is directed to complete the trial as early as possible preferably within a period of six months from the date of receipt of a copy of this order. The appearance of the petitioners before the Trial Court is dispensed with unless the Trial Court deems their presence necessary for the progress of the trial.



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6. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

skn

03.02.2023

NCC: Yes/No

Internet: Yes/No

Index: Yes/No

To

1. The Judge,
Additional Mahila Court, Nagercoil.
2. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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