



Crl.O.P.(MD)No.4896 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **06.04.2023**

CORAM:

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

Crl.O.P.(MD) No.4896 of 2020

and

Crl.M.P.(MD)No.2834 of 2020

Hakkim

... Petitioner/Accused No.9

Vs.

1.The State rep. by

The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.

(Crime No.118 of 2019) ... 1st Respondent / Complainant

2.Ajithkumar

... 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining in P.R.C.No.2 of 2020, before the District Munsif cum Judicial Magistrate, Alangudi and to quash the same as illegal against the petitioner.

For Petitioner : Ms.A.Banumathy

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

: No appearance for R2



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ORDER

This petition is filed to quash the proceedings in P.R.C.No.2 of 2020, before the District Munsif cum Judicial Magistrate, Alangudi

2. The case against the petitioner is that the petitioner and others unlawfully assembled with deadly weapons and they abused the defacto complainant in filthy language and attacked him and also threatened him with dire consequences. A case in Crime No.118 of 2019, under Sections 147, 148, 341, 294(b), 324, 506(ii) and 307 of I.P.C. was registered against seven named accused.

3. On the side of the prosecution, it is stated that the F.I.R was registered only against seven accused. On the basis of confession of the co-accused, the petitioner was roped into the case as A9 and charge sheet was altered under Sections 147, 148, 341, 294(b), 326, 506(ii), 307 and 149 of I.P.C.

4. On the side of the petitioner, it is stated that there is no material available against the petitioner. The name of the petitioner was



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not mentioned in the F.I.R. There is no overt act against the petitioner, except the confession of co-accused, there is no ground to implead the petitioner.

5. On the side of the prosecution, it is stated that the petitioner himself has given a confession statement. The petitioner has given a confession statement that he attacked one Ganesan and his brother and caused head injury to one of them. The trial has been commenced in this case, the allegation is serious in nature and the petitioner is liable to face the trial.

6. Whether the petitioner is having any overt act, whether the petitioner has given a confession statement can be decided after the completion of the trial. The offence alleged against the petitioner is grievous in nature. In view of the same, this Petition is dismissed. Consequently connected Miscellaneous Petition is closed.

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

06.04.2023



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R.THARANI. J.

Ls

To

- 1.The District Munsif cum Judicial Magistrate,
Alangudi.
2. The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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