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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP (MD) No.10864 of 2023

and

Crl.MP (MD) Nos.8666 and 8667 of 2023

Lokeswaran : Petitioner/A2

Vs.

State through the
Inspector of Police,
T.Kallupatti Police Station,
Madurai District.

: Respondent/
De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the case in SC No.26 of 2021 pending trial on the file of Sub Judge, Thirumangalam and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.S.Siva Ilayaraja

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

This criminal original petition is filed seeking quashment of the case in SC No.26 of 2021 pending trial on the file of Sub Judge, Thirumangalam.



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2. The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he along with his team members were on the routine patrolling duty near Puliyanthoppu, the accused were found making preparation for committing robbery and dacoity. One of the persons was apprehended, but others escaped. He revealed his name as Sasikumar. On his disclosure, the other accused persons name are identified and came to knowledge. From the above said Sasikumar a sword was recovered. Based upon the occurrence, a case was registered in Crime No.343 of 2014 for the offence punishable under section 399 IPC. After completing the formalities of investigation, charge sheet was filed before the Judicial Magistrate, Peraiyur and thereafter, it was committed to Sub Court, Thirumangalam and it was taken on file in SC No.26 of 2021.

3. Seeking quashment of the same, this petition has been filed on the ground that only based upon the disclosure statement of Al-Sasikumar, he has been wrongly roped and no material has been collected during the course of investigation to implicate the petitioner.



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4. Heard both sides.

5. It is a case of offence under section 399 IPC. Whether the above said alleged occurrence really took place and whether this petitioner was also present in the place of occurrence and making preparation for committing dacoity and or robbery, as the case may be, it is purely a factual aspect, which cannot be gone into by this court, while exercising jurisdiction under section 482 Cr.P.C.

6. Reading of the statement of the witnesses shows that on the basis of the confession statement of some of the accused, the involvement of others came to light and from their statement, it was found that several cases have been registered against some of the accused persons for robbery, dacoity, etc.

7. Whether the above said disclosure statement is true or not cannot also be a matter for consideration by this court. Apart from that the, identification of the petitioner is also involved and it can be done only during the course of trial. Except the above said factual



ground, no other ground has been raised by the petitioner.

8. So, I find no merit to quash the proceedings. The trial must be taken to its logical conclusion.

9. In the result, this criminal original petition is **dismissed**. But however, considering the oldness of the matter, there shall be a direction to the concerned trial court to expedite the trial process and complete the same within a period of five months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

30/06/2023

Index: Yes/No
Internet: Yes/No
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To,

- 1.The Sub Judge,
Thirumangalam,
Madurai District.
- 2.The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Cr1.OP (MD) No.10864 of 2023

30.06.2023