



Crl.O.P.(MD)No.13578 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.13578 of 2023

and

Crl.M.P.(MD) Nos.10602 and 10604 of 2023

1.Petchidurai
2.Velladurauchi
3.Subbaiah Pillai

... Petitioners/
Accused Nos.1 to 3

Vs.

1.State Represented through
The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
(Crime No.500 of 2010)

... Respondent No.1/
Complainant

2.Murugan

... Respondent No.2/
defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with the case in C.C.No.103 of 2023 on the file of the learned Judicial Magistrate, Sivagiri and quash the same as illegal.

For Petitioners : Mr.R.Alagumani



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For Respondent : Mr.SS.Madhavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed seeking for quashment of C.C.No.103 of 203 pending on the file of learned Magistrate, Sivagiri, which is registered against the petitioner for the offences punishable under Sections 294(b), 342, 324. 355 and 506 (2) of IPC.

2. It is submitted by learned counsel for the petitioner that on a complaint given by the petitioner a case has been registered against the defacto complainant and others and as a counter blast, a false case has been registered against the petitioner. It is submitted that even according to the prosecution, the petitioner has committed offence and cause injuries to the defacto complainant with a knife and as per the reply received from the prosecution under the Right To Information Act, the police have not recovered the knife. It is also submitted that when the petitioner and others were taking treatment in the hospital, the persons belonging to the defacto complainant has trespassed the hospital and attacked the petitioner.



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3. Learned Government Advocate (Crl. Side) submits that the statements of the witnesses, complaint, medical evidence would go to show that the petitioner has committed offence as alleged in the charge sheet. It is represented by learned Government Advocate (Crl. Side) that this has been posted before the trial Court on 05.08.2023 for appearance of petitioners/accused.

4. On hearing of both sides and perusal of the documents filed by the petitioner, it is clear that the grounds on which the petitioner seeking quashment are not sufficient to consider the case of the petitioner. The issues raised by the petitioner in respect of non-recovery of knife and that there are case and counter case thereby, a false case has been foisted are the grounds which will have to looked into by the concerned trial Court during the course of regular trial.

5. In a petition under Section 482 of Cr.P.C. seeking quashing, the petitioner has to make out that even if whatever contents mentioned in the charge sheet are correct or acceptable to be correct, there is no case against the petitioner. Therefore, basing on the submissions made by the



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petitioner and on going through the grounds of this petition, this Court is of the opinion that the relief sought for by the petitioner cannot be granted and accordingly, this petition is dismissed.

6. Considering the circumstances, the petitioners/accused 1 to 3 are directed to appear before the trial Court in response to the summons on 05.08.2023 and the trial Court is directed to expedite framing of charges and after framing of charges, the presence of the petitioners/accused are dispensed with. However, learned Magistrate is at liberty to direct the petitioners to appear before the trial Court for smooth progress of trial, in case, if their presence are required including for answering under Section 313 of Cr.P.C.

7. Accordingly, this petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

31.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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