



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.12641 of 2023
and Crl.M.P(MD)Nos.9909 and 9910 of 2023

Iyyamperumal ... Petitioner/Accused No.7

Vs.

1.State represented by the
Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District. ...1st Respondent/Complainant

2.Selvi ... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in S.C.No.287 of 2023 on the file of the learned IV Additional District Judge, Tirunelveli and quash the ssame in respect of the petitioner is concerned.

For Petitioner : Mr.T.A.Ebenezer

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking quashment of S.C.No.287 of 2023 on the file of the learned IV Additional District Judge, Tirunelveli.



WEB COPY

2. It is submitted by the learned counsel for the petitioner/accused No.7 that there is no material against the petitioner except the confession statement of two co-accused and the prosecution has failed to produce C.C.TV Camera to show that on the date of occurrence at the relevant time of the alleged offence, the petitioner was present at the scene of offence.

3. The learned Additional Public Prosecutor submits that even according to the case of the prosecution, the petitioner was not present in the scene of occurrence at the relevant time and therefore, there is no need to produce C.C.TV Camera footage to prove the petitioner's absence at the scene of occurrence. The allegation against the petitioner is that the petitioner has conspired to commit the offence against the petitioner and thereby the petitioner is charge sheeted for the offence under Section 302 r/w 120 IPC. The prosecution, therefore is expected to prove the link of the petitioner/ accused No.7 along with the other accused and to prove that the petitioner is one of the conspirators.

4. Even according to the petitioner, if the contents of the charge sheet are accepted to be true, there is a material against the petitioner.

However, it is submitted that the contents of the charge sheet are



incorrect and he is ready to prove the same.

WEB COPY

5. Considering the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor, this Court is not inclined to quash the charge sheet since the issue raised by the learned counsel for the petitioner in this petition cannot be decided in a petition filed under Section 482 of Cr.P.C and they require full-fledged trial after framing of the charges. The petitioner is at liberty to raise all the points raised in this petition during the course of trial before the trial court.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No

13.07.2023

Internet : Yes/No

CM

To,

1. Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.12641 of 2023

DR.D.NAGARJUN. J.

CM

Crl.O.P.(MD)No.12641 of 2023
and Crl.M.P(MD)Nos.9909 and 9910 of 2023

13.07.2023