



Crl.O.P.(MD) No.14734 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD). No.14734 of 2020

and

Crl.M.P(MD). No.6959 of 2020

Subin

... Petitioner/Accused No.6

Vs.

1.State through

The Inspector of Police,
Eraniel Police Station,
Eraniel,
Kanyakumari District.
Crime No.664 of 2017

... 1st Respondent/Complainant

2. Sekar

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to admit this petition, call for the records in C.C.No.126 of 2020 on the file of the Principal District Munsif cum Judicial Magistrate, Eraniel, Kanyakumari District and quash the same as illegal.

For Petitioner : Mr.N.Anantha Padmanabhan

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

: No appearance for R2



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ORDER

The petition has been filed to quash the proceedings as against the petitioner herein in C.C.No.126 of 2020, on the file of the Principal District Munsif cum Judicial Magistrate, Eraniel, Kanyakumari District.

2. The brief facts of the case:

The defacto complainant and the accused persons were living in the same village. On 14.12.2017, at about 08.30 hours, there was dispute between them and in resultant, they attacked each other. Thereafter, on the same day at about 10.00p.m., the accused persons including the petitioner damaged the things/house worth about Rs.25,000/- of the second respondent by throwing with stones and sticks. Further they also damaged the windows of the elder brother, namely, Augustine Asser's house the second respondent, worth about Rs.5,000/-. Thereby, they committed the offence punishable under Sections 147, 148, 294(b), 427, 506(ii) IPC r/w 149 IPC and final report was filed by the Judicial Magistrate, Eraniel.



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3. The learned counsel for the petitioner submitted that on the date of alleged occurrence, he was not in station. The averment itself is a false one. Therefore, he seeks to quash the proceedings against the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent, on instructions, would submit that the first respondent police has completed the investigation and filed the charge sheet on 17.10.2020 and the same has not been taken on file.

5. Recording the above submission, this criminal original petition is closed. Consequently, connected miscellaneous petition is closed.

19.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbm



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To
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- 1.The learned Principal District Munsif cum Judicial Magistrate,
Eraniel, Kanyakumari District
- 2.The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

sbn

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and
CrI.M.P(MD). No.6959 of 2020

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