



CrI.O.P.(MD) No.13544 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.13544 of 2023

and

CrI.M.P.(MD) Nos.10569 and 10572 of 2023

1.Krishnan

2.Muthuvelu

3.Veerayee

4.Vanitha

... Petitioners

Vs.

1.The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(Crime No.276/2015)

2.Mathiyalagan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in SC.No.83 of 2017 on the file of



Crl.O.P.(MD) No.13544 of 2023

the Chief Judicial Magistrate Court, Pudukkottai and quash the same as illegal as against this petitioners are concerned.

For Petitioners : Mr.K.C.Maniyarasu

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

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking quashment of the charge sheet in SC.No.83 of 2017 on the file of the Chief Judicial Magistrate Court, Pudukkottai.

2.It is submitted by the learned counsel for the petitioners that in Crl.R.C. (MD) No.758 of 2022, vide order dated 14.03.2023, this Court has observed as under:-

“6.Even though the counsel for the petitioner rely upon various judgments, this background facts is sufficient enough to allow this petition. So I am of the considered view that the proceedings that has been initiated against these petitioners is clearly abuse of the process of the law and court. A stray sentence in the further statement and as well as in the final report are not sufficient materials to frame charges, especially, absolutely, when no material has been collected to show the



Crl.O.P.(MD) No.13544 of 2023

WEB COPY

reason for the above said abetment or the enmity between the defacto complainant party and the petitioners. So on the sole ground this petition is liable to be allowed.”

3. According to the learned counsel for the petitioners, whatever observation made by this Court as referred above is applicable to the petitioners herein and therefore, sought for quashment of SC.No.83 of 2017 pending on the file of the Chief Judicial Magistrate Court, Pudukkottai.

4. The learned Additional Public Prosecutor submits that in S.C.No.83 of 2017, the prosecution has so far examined 25 witnesses and case was posted for recording the evidence of Investigating Officer on 08.09.2023. It is to be noted that thereafter the charge sheet was taken on file by the Sessions Court in the year 2017 and the petitioners have not chosen to file a petition under Section 482 Cr.P.C., to quash the charge sheet. Further, though the petitioners stated to have filed an application for discharge of the petitioners, on its dismissal, they have not approached this Court challenging the order of the dismissal. Further, after examining 25 witnesses, when S.C.No.83 of 2017 is posted for evidence of Investigating Officer, now the petitioners have filed this petition to quash the charge sheet.



Crl.O.P.(MD) No.13544 of 2023

WEB COPY

5.Once the trial has already been completed almost, the petitioners cannot seek quashment of charge sheet. The reason for approaching this Court with inordinate delay has not been explained properly. Considering the above, there are no merits and this petition is liable to be dismissed.

6.Accordingly, this Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

03.08.2023

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To

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



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Crl.O.P.(MD) No.13544 of 2023

DR.D.NAGARJUN. J.

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Crl.O.P.(MD)No.13544 of 2023

03.08.2023