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Crl.O.P.(MD)No.14858 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2023**

CORAM:

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

Crl.O.P.(MD) No.14858 of 2023
and Crl.M.P(MD).Nos.11771 and 11773 of 2023

Karthiselvam

... Petitioner

Vs.

1.The State rep.by its
Inspector of Police,
Singampunari Police Station,
Sivagangai District.
Crime No.123 of 2022.

2.Sivabalan

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in C.C.No.41 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District and quash the same.

For Petitioner : Mr.B.Santhanam Rajeshkumar

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



ORDER

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This Criminal Original Petition is filed seeking quashment of C.C.No.41 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District for the offence punishable under Sections 448, 294(b), 323, 324, 506(2) and 34 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. According to the learned counsel appearing for the petitioner, the petitioner/accused No.2 is innocent and he was not present at the scene of occurrence and since he is the friend of the accused No.1, a false case has been foisted against him.

3. The learned Additional Public Prosecutor appearing for the first respondent had taken this Court to the statements of witnesses recorded under Section 161 Cr.P.C including the complaint, wherein, it has been mentioned that in this case, there are three injured persons and all the injured persons mentioned the name of the petitioner and the petitioner's name is also found not only in Section 161 Cr.P.C but also in the complaint.



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4. Once the name of the petitioner is mentioned in the complaint and 161 Cr.P.C statements, the question as to whether a false case has been foisted against him and whether the petitioner is speaking true or false, would be a matter of trial.

5. This Court cannot compare the statements of the witnesses with the alleged offence to conclude that the statements of witnesses have stated false. In view of the above, there are no merits in this petition. Accordingly, this Criminal Original Petition is required to be dismissed.

6. It is submitted by the learned counsel appearing for the petitioner that the petitioner is 20 years old and he does not have any previous case like the other two accused (i.e.,) A1 and A3. It is submitted that the petitioner is doing correspondence course apart from doing coolie work.

7. In view of the above, the presence of the petitioner is dispensed with. However, the learned Magistrate is at liberty to direct the petitioner to be present for the purpose of framing of charges and for answering the charges and 313 examination or any other purpose where the presence of the petitioner is required.



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8. With these observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
ssb

24.08.2023

To

1. Inspector of Police,
Singampunari Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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