



Crl.O.P.(MD).No.17582 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:05.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.17582 of 2023
and Crl.M.P.(MD).No.13946 of 2023

1.Loganathan
2.Chanthiran
3.Gopinath

... Petitioners

Vs.

1.The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No.240 of 2018.

2. The Village Administrative officer,
Musiri West,
Musiri Taluk,
Trichy District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings of the S.C.No.53 of 2022 on the file of the Learned II Additional District and Sessions Judge,Tiruchirappalli and quash the same.

For Petitioners : Mr.R.Rajaraman

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate
(Crl.side)



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ORDER

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This criminal original petition has been filed seeking quashment of the proceedings of the S.C.No.53 of 2022 on the file of the Learned II Additional District and Sessions Judge, Tiruchirappalli.

2.The case of the prosecution in brief:

The deceased Nandhasri is the grandson of one Papathi. The deceased and the accused are friends. On 11.03.2018, trouble broke out between the deceased Nandhasri and one Ajith Kumar, who is the brother of the first accused. In that trouble the deceased Nandhasri, Ragavan, Ajith, Muthu Selvan and Vinoth tried to murder Ajith Kumar by stabbing. Over which, a case in Crime No.38 of 2018 for the offences punishable under Sections 147, 294(b), 307, 324, 506(ii) of IPC was registered. Because of that issue, enmity continued between the deceased Nandhasri and accused. Therefore, the accused persons are planned to take revenge. On 22.08.2018, the accused abducted or kidnapped the deceased to Musiri. They took the deceased to a river portion and at about 4.45 a.m., they drowned Nandhasri in the river. Because suffocation, he died on the spot. After murdering the



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Nandhasri, the accused persons escaped from that place.

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3.After investigation final report was filed before the learned Judicial Magistrate, Musiri and the same was committed to the Court of Sessions, Tiruchirappalli. Thereafter, it is taken cognizance by the learned II Additional District and Sessions Judge, Tiruchirappalli, in S.C.No.53 of 2022. Seeking quashment of the same, this petition has been filed on the ground that the story projected by the prosecution is highly improbable and unbelievable also and the recovery was made only on 16.02.2019 after inordinate delay.

4.Heard both sides.

5.The ground on which, this petition came to be filed rests entirely upon the factual events. Whether the petitioners worked in the very same office, even after the alleged occurrence cannot be a matter for consideration for quashing the proceedings. Perusal of records shows that on 24.08.2018, the body of the deceased was found by the defacto complainant namely the Village Administrative Officer, near Thottiyam



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area. Only on his complaint, case was registered. Simply because there is a delay in recovering the articles of the deceased, it cannot be taken advantage by this petitioner at this stage.

6.The motive and enmity exists between the accused and deceased is also evident from the materials collected during the course of investigation. Friends of the deceased also examined during the course of investigation to show the enmity. Similarly, the evidence was also recorded to show taking of Nandhasri namely the deceased by the accused. The case entirely rests upon the circumstantial evidences. So when circumstantial evidences alone is available, it is proper that the trial process be allowed to be continued to its logical conclusion. Except some minor factual aspects, no other ground worth considering, warranting the quashment of the proceedings are made out by the petitioner. I find absolutely no reason to entertain this petition.

7.Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

05.12.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

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- 2.The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No.240 of 2018.
- 3.The Village Administrative officer,
Musiri West,
Musiri Taluk,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

TM

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