



WEB COPY



Crl.O.P.(MD)No.20610 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16/11/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP (MD)No.20610 of 2023

and

Crl.MP (MD)Nos.16137 and 16139 of 2023

Mari : Petitioner/A4

Vs.

1.The State rep. through
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.122 of 2023) : R1/Complainant

2.Maharajan : R2/De-facto
Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the case in CC No.1461 of 2023 on the file of the Judicial Magistrate No.III, Tirunelveli and quash the same as illegal as against the petitioner alone and pass any further order or orders.

For Petitioner : Mr.T.Indrachithu

For 1st Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)



CrI.O.P.(MD)No.20610 of 2023

O R D E R

WEB COPY

This criminal original petition is filed seeking quashment of the case in CC No.1461 of 2023 on the file of the Judicial Magistrate No.III, Tirunelveli.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that on 30/04/2023, when his brother namely Selvakumar going to Kamaraj Nagar by riding his two wheeler TN-72-BP-7915, the accused persons intercepted, attacked him with hands and robbed Rs.1,200/- from his pocket and forced him to transact Rs.19,500/- to one bank account through G-Pay. Based upon the occurrence, a case was registered in Crime No.122 of 2023 for the offence punishable under section 394 IPC. After completing the formalities of investigation, charge sheet was filed before the Judicial Magistrate No.III, Tirunelveli and it was taken cognizance in CC No.1461 of 2023 by the trial court.

3. Seeking quashment of the same, this petition has been filed on the ground that only based upon the disclosure statement of the co-accused, he has been wrongly roped and no material has been collected during the course of investigation to implicate the petitioner.



WEB COPY

4.Heard both sides.

5.It is a case of offence under section 394 IPC. Whether the above said alleged occurrence really took place and whether this petitioner was also present in the place of occurrence and making preparation for committing the robbery along with the co-accused, is purely a factual aspect, which cannot be gone into by this court, while exercising jurisdiction under section 482 Cr.P.C.

6.Reading of the statement of the witnesses shows that on the basis of the confession statement of some of the accused, the involvement of others came to light.

7.Whether the above said disclosure statement is true or not cannot also be a matter for consideration by this court. Apart from that the, identification of the petitioner is also involved and it can be done only during the course of trial. Except the above said factual ground, no other ground has been raised by the petitioner.

8.So, I find no merit to quash the proceedings. The trial must be taken to its logical conclusion.



Crl.O.P.(MD)No.20610 of 2023

9.In the result, this criminal original petition is **dismissed.** Consequently, connected Miscellaneous Petitions are closed.

16/11/2023

Index:Yes/No
Internet:Yes/No
vsg/er

To,

- 1.The Judicial Magistrate No.III,
Tiruelveli.
- 2.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.20610 of 2023

G.ILANGOVAN, J

vsg/er

CrI.OP (MD) No.20610 of 2023

16.11.2023