



CrI.OP.No.843 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.843 of 2023

1.Kannan

2.Ram Kumar

3.Krishnamurthy

... Petitioners

Vs.

1.The State, represented by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.

2.Manikandan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records made in S.C.No.293 of 2019 on the file of VI Additional Sessions Judge at Chennai and quash the same as illegal.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.K.M.D.Muhilan

Government Advocate (CrI.side) for R1

Mr.S.Ambedkar for R2



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ORDER

The petition is to quash S.C.No.293 of 2019 on the file of the VI Additional Sessions Judge, Chennai, on the ground that a small incident is exaggerated as if an offence of attempt to commit murder, which has led to registration of case in Crime No.150 of 2016, later taken cognizance by the Sessions Court in S.C.No.293 of 2019, challenging that the final report filed after 3 years carry no *bona fides* and ingredient to attract Section 307 IPC. It is a case instituted with oblique motive and therefore it has to be quashed.

2. The learned counsel appearing for the petitioner would submit that apart from merits in the quash petition, the *defacto* complainant himself has realized the falsehood in his complaint and has filed an affidavit to withdraw the complaint and therefore he pray to quash the case based on the affidavit of the *defacto* complainant.

3. This Court given anxious consideration to the submission and also scrutinized the affidavit of Manikandan, which is enclosed along



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with the typed set of papers. In the affidavit it is stated that the incident took place when there was a sudden quarrel between his family and the petitioners' family being his neighbours and he has no objection to quash the final report in S.C.No.290 of 2013.

4. This Court have serious apprehension that if these sought of affidavits are entertained and interfered exercising power under Section 482 of the Criminal Procedure Code, it may lead to chaos and misuse of the criminal justice administration. If really the incident has taken place, it is an offence against the State, which has to be dealt in accordance with law. If the incident is not true or cannot be proved in the manner known to law, the benefit will always inure to the accused person.

5. In any event, entertaining affidavits to quash pending complaint can be very sparingly exercised only if there is no material to proceed with the trial relating to commission of cognizable offence. In this case since prosecution relies upon certain material which is sufficient to take cognizance and taken cognizance also, the law has to take its own course.



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WEB COPY 6. Hence, the petition to quash stands **dismissed**. The trial Court can decide the matter without being prejudiced or influenced by any observations made in this petition.

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Index : Yes/No

Internet : Yes/No



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To

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- 1.The VI Additional Sessions Judge,
Chennai
- 2.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.



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Dr.G.JAYACHANDRAN,J.

dsa

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