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Crl.O.P.No.2374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.2374 of 2024 and
Crl.M.P.Nos.1844 and 1846 of 2024

Thangavel

... Petitioner

Vs.

1. State by

The Inspector of Police
Kandili Police Station
Thirupathur District
Crime No.18 of 2020

2. Kanaka

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. praying to call for the records in C.C.No.57 of 2022 pending on the file of the learned Judicial Magistrate No.II, Thirupathur and quash the same against the petitioner.

For Petitioner	: Mr.J.N.Naresh Kumar
For 1 st Respondent	: Mr.S.Sugendran Additional Public Prosecutor
For 2 nd Respondent	: Not ready in notice



Crl.O.P.No.2374 of 2024

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the case against the petitioner in C.C.No.57 of 2022 pending on the file of the learned Judicial Magistrate No.II, Thirupathur.

2. The case of the petitioner is that the petitioner is the father-in-law of the defacto complainant's nephew. Based on the complaint given by the 2nd respondent, initially the FIR in Crime No.18 of 2020 was registered against the petitioner for the offences under Sections 294(b) and 324 of IPC alleging that the petitioner abused and attacked the defacto complainant and his brother. Thereafter, in order to wreck vengeance against the petitioner's family, the offences were altered to Sections 294(b), 323 and 326 of IPC and one Sivan was added as an accused. Subsequently, charge sheet was filed in C.C.No.57 of 2022 and the same is pending on the file of the learned Judicial Magistrate No.II, Thirupathur. The contention of the petitioner is that it is a false case



Crl.O.P.No.2374 of 2024

WEB COPY
foisted against the petitioner and the respondent police also had not conducted a fair investigation. Further, the charge sheet as against the said Sivan was quashed by this Court in Crl.O.P.No.15033 of 2022 vide order dated 30.06.2022. Hence, the present petition is filed seeking to quash the charge sheet against the petitioner.

3. Heard both sides and perused the materials available on record.

4. A reading of the statement recorded from the injured witness/defacto complainant, eyewitness and other prosecution witness shows that there is a specific overt-act against the petitioner and there are materials to show that the petitioner involved in the offence. The defence taken by the petitioner is mater for trial. On a reading of the entire materials, there is no ground to quash the charge sheet.

5. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition are closed.



CrI.O.P.No.2374 of 2024

6. The petitioner is at liberty to take all his defence before the trial Court.

WEB COPY

18.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2

To

1. The Inspector of Police
Kandili Police Station
Thirupathur District

2. The Public Prosecutor
The High Court of Madras



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CrI.O.P.No.2374 of 2024

P.VELMURUGAN. J.

Ksa-2

CrI.O.P.No.2374 of 2024

18.11.2024