



Crl.O.P.No.9985 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P. No.9985 of 2024

P.Dhamodaran

...

Petitioner

/vs/

1. The State rep. by
The Inspector of Police,
Vikaravandi Police Station,
Vikravandi,
Villupuram District – 605 652.

2. Kumar

... Respondents

Criminal Original Petition is filed under Section 482 Cr.P.C, to direct the respondent police to call for the records pertaining to the impugned charge sheet in C.C.No.39/2023 on the file of District Munsif cum Judicial Magistrate, Vikravandi, quash the same.

For Petitioner ... Mr.P.Dhamodaran (party-in-person)

For Respondent ... Mr.S.Udaya Kumar
Govt. Advocate (Crl.side) for R1



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ORDER

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This petition is filed by the accused as a party-in-person to quash the proceedings in C.C.No.39 of 2023 on the file of the District Munsif cum Judicial Magistrate, Vikravandi.

2. According to the petitioner, the complaint is a motivated false complaint initiated by his neighbour with whom he have a money dispute. The petitioner has every documents to show that he was not present at the place of occurrence as alleged in the complaint. He has referred certain records / documents to substantiate his plea of alibi.

3. From the case records, this Court finds that earlier the petitioner had filed an application for discharge under Section 239 Cr.P.C. and the same got dismissed and thereafter, the trial court has framed charges and the matter now stands posted for trial and so far 12 witnesses examined. At this juncture, the present petition is filed to quash the charge sheet by relying upon certain materials.



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4. If at all the petitioner is of the view that he has sufficient defense, it is always open to him to let in evidence during the course of trial and prove his case. This Court cannot usurp the powers of the learned Judicial Magistrate conducting the trial and in the mid of trial appreciate the documents which are not tested in the manner known to law.

5. Accordingly, this Criminal Original Petition is dismissed. No costs. Connected miscellaneous petition is closed.

25.04.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
bkn

To:

1. The Inspector of Police,
Vikaravandi Police Station,
Vikravandi,
Villupuram District – 605 652.
2. The Public Prosecutor,
Madras High Court.



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G.JAYACHANDRAN, J.,

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