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CrI.OP.No.22328 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.22328 of 2024

and

CrI.MP.No.12730 of 2024

S.Kalidasan

.. Petitioner

Vs.

1. State rep by
The Inspector of Police,
Voimedu Police Station,
Vedaranyam.

2. Sathyaraj

.. Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for records in PRC Case No.16 of 2023 on the file of the Judicial Magistrate, Vedaranyam and quash the same.

For Petitioner : Mr.S.Kalidasan
(Party-in-Person)

For Respondent :Mr.K.M.D.Muhilan,
Government Advocate (CrI.Side)



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ORDER

The petitioner herein is shown as 1st accused in Cr.No.217 of 2016 which has been investigated by the Voimedu Police, filed final report on 06.09.2019. The same has been taken on file by the learned Judicial Magistrate in PRC.Case No.16 of 2023 is sought to be quashed by the petitioner herein on the ground that the complaint filed against him to support one KAM Mines and Minerals Quarry who are involved in mineral theft and against whom the petitioner had made complainants and representations to the authorities for illegal sand mining.

2. The complaint in FIR.No.217 of 2016 against him is to counter blast, this complaint filed in Cr.No.216 of 2016 on even date as against Muthu Kumar, Sundar, Kannan and Sathyaraj for offence under Section 294b, 324 and 307 IPC.

3. The petitioner who appeared in person also submits that there is yet another complaint initiated by him against one Senthil Kumar in Cr.No.187 of 2016 which is now pending as PRC.Case.No.4 of 2017 on filing the final report, pending in Spl.SC.No.65 of 2017 before Thanjavur PRC Court.



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4. The specific case of the petitioner is that the aggressor in this case is one Senthil Kumar and Murugesan, whereas Police has initiated complaint against him and file the final report

5. The learned Government Advocate (CrI.Side) appearing for the respondent police submits that the petitioner herein is an history sheeter against him, at present six cases are pending. The present petition is filed to quash the case with frivolous allegations inspite of the fact that his complaint been investigated and the matter is pending trial before the Sessions Court, Nagapattinam. Further, the learned Government Advocate submits that the case in P.R.C.No.16 of 2023 has been committed to the Court of Sessions and the petitioner already been served with summons.

6. This Court after hearing the petitioner who appeared in person and the learned Government Advocate (CrI.side) and perusal of the statements of witnesses relied by the prosecution finds that the dispute between this petitioner and one Muthu Kumar has led to quarrel and brutal attack which is subject matter of crime No.217 of 2016 as well as Cr.No.216 of 2016. The Police after ascertaining that both are aggressors, final report has been filed in both the cases.



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7. It is for the petitioner to participate in the trial, since substantial material is available to proceed against him, Therefore, the Criminal Original Petition to quash in P.R.C.No.16 of 2023 stands dismissed. Consequently, the connected miscellaneous petition is closed.

12.09.2024

Vv

To

- 1.The Judicial Magistrate,
Vedaranyam
2. The Inspector of Police,
Voimedu Police Station,
Vedaranyam.
3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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