



WEB COPY



Crl.O.P.No.21836 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.21836 of 2021
and Crl.M.P.No.11849 of 2021

1.Thangaraj @ Thangarasu
2.Selvarasu

... Petitioners

Versus

1.The State represented by
The Inspector of Police,
Paramathi Police Station,
P.Velur Taluk,
Namakkal District.
Crime No.18 of 2019

2. S.Malarvizhi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records pertaining to the charge sheet in S.C.No.31 of 2021 on the file of the Subordinate Judge / Assistant Sessions Judge, Paramathi and quash the same.

For Petitioners : Mr.R.John Sathyan
for Mr.V.Anandhamoorthy

For R1 : Mr.S.Vinoth Kumar,
Government Advocate (Crl. Side)

ORDER

The petitioners have filed this petition praying to call for the records pertaining to the charge sheet in S.C.No.31 of 2021 on the file of the

Subordinate Judge / Assistant Sessions Judge, Paramathi and quash the same.



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2. The case of the prosecution is that on 14.01.2019, on secret information received from the credible source, the petitioners and other accused persons have found in possession of banded items like, tobacco, Panmasala and Gutka transported from Yashodhapuram, Bangalore to the Godown owned by the 1st petitioner at K.K.Nagar, Rayanur, Karur and thereafter the persons, who drove the vehicle and another person accompanied in the vehicle, who are A1 and A2 were arrested and the said banned items are also seized. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons, they were no way connected with the alleged offences. He further submitted that the 1st respondent filed a final report for the offences under Sections 273, 328, 114 of IPC as against the petitioners and the offences charged are not at all attracted and lodgment of FIR for the offences under Section 273, 323 and 114 of IPC against the petitioners are abuse of process of law. Hence, he prays to quash the proceedings.

4. The learned Government Advocate (Crl.Side) submitted that on 14.01.2019, the 1st respondent registered the case against the petitioners. He further submitted that with regard to charge under Section 328 of IPCC needs



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detail investigation and it is only at the stage of framing of charges. Hence, he vehemently opposed to quash the proceedings.

5. Considering the facts and circumstance, the prosecution needs detail investigation and at the stage of framing of charges the petition can not quashed. Therefore, this Court is not inclined to quash the proceedings against the petitioners in SC.No.31 of 2021, pending on the file of the Subordinate Judge / Assistant Sessions Judge, Paramathi. However, liberty is granted to the petitioners to raise all the defence before the trial Court.

6. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous petition is closed.

04.01.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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T.V.THAMILSELVI, J.

rri

To

- 1.The Inspector of Police,
Paramathi Police Station,
P.Velur Taluk,
Namakkal District.
Crime No.18 of 2019
- 2.The Public Prosecutor,
High Court of Madras.

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and
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