



Crl.O.P.No.22634 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM:

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

Crl.O.P.No.22634 of 2022

and

Crl.M.P.Nos.14521 & 14522 of 2022

Samsudeen

... Petitioner

Versus

1. State rep. by its
The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam Dt.
(Crime No.582 of 2018)

2. Manikandan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No. 03 of 2022 pending on the file of Addl. District Judge, Mayiladuthurai and quash the proceeding as against the petitioner/5th accused.



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For Petitioner : Mr.C.R.Malarvannan
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C. No. 3 of 2022 on the file of Addl. District Judge, Mayiladuthurai.

2. Heard both sides.

3. The petitioner is ranked as A5 in the F.I.R. in Crime No.582 of 2018 registered for the offence under Sec.120 (B), 147, 148, 307, 324, 427 and 506 (ii) r/w 149, 115 and 302 of I.P.C. Subsequently, the charge sheet has been filed altering the charges under Sec.120(b), 147, 148, 324, 307, 506(ii) of I.P.C. and Sec.3(1) of TNPPDL Act @ 120(b), 147, 148, 324, 307, 506(ii) I.P.C. r/w 149, 115, 302 I.P.C. and the same was taken on file in S.C.No.03 of 2022 on the file of Addl. District Judge, Mayiladuthurai and the charges were framed on 17.03.2023 under Sec.120(b), 148, 307, 324, 506(ii), 427, 115 of I.P.C. Now, the petitioner had filed this petition praying to quash the said charge sheet.



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4. The learned counsel for petitioner would submit that he has been falsely implicated in this case by the 1st respondent police as per the complaint given by the 2nd respondent/defacto complainant. He would submit that there is no specific overtact attributed against the petitioner. Hence, he prayed to quash the proceedings initiated against him.

5. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent would submit that on investigation, it reveals that there is an enmity between the petitioner and the 2nd respondent/defacto complainant, due to which, already they have attempted to murder a person, in which this petitioner along with other accused assisted him. Hence, he raised strong objections and prayed not to quash the charge sheet initiated against him.

6. On perusal of records, it reveals that the F.I.R. in Crime No.582 of 2018 was registered against the petitioner for the offence under Sec.120 (B), 147, 148, 307, 324, 427 and 506 (ii) r/w 149, 115 and 302 of I.P.C. and subsequently, the charge sheet has been filed altering the charges under Sec.120(b), 147, 148, 324, 307, 506(ii) of I.P.C. and Sec.3(1) of TNPPDL Act @ 120(b), 147, 148, 324, 307, 506(ii) I.P.C. r/w



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149, 115, 302 I.P.C. and the same was taken on file in S.C.No.03 of 2022 on the file of Addl. District Judge, Mayiladuthurai and the charges were framed on 17.03.2023 under Sec.120(b), 148, 307, 324, 506(ii), 427, 115 of I.P.C. Hence, on considering the gravity of offence, it needs detailed investigation and trial. So, at this stage, the charge sheet cannot be quashed and I do not find any irregularity in the charge sheet initiated by the 1st respondent police. Accordingly, this Criminal Original Petition is dismissed. If at all, any defence is available for the petitioner, he has to work out his remedy before the trial court. Consequently, connected Criminal Miscellaneous Petitions are closed.

28.02.2024

Index: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam Dt.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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