



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

CORAM:

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

CRL.OP No. 26874 of 2022

& CrI.MP. No. 16504 & 16507 of 2022

A.Napolian

...petitioner

Vs.

- 1.The Sate rep by
The Inspector of Police
CBCID, South, Thiruvarur District.
- 2.M.Palani

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records in PRC No. 2 of 2022 on the file of the learned Chief Judicial Magistrate, Thiruvarur and quash the same.

**ORDER**

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The petitioner herein filed this petition to call for the records in PRC No. 2 of 2022 on the file of the learned Chief Judicial Magistrate, Thiruvavur and quash the same.

2. The case of the prosecution is that One Manikandan (now deceased) was the suspected accused in Crime. No.26/2015 and Crime No.28/2015 on the file of Perugavazhndan police also in Crime No.25/2015 & 152/2015 of Mannargudi town police station. On the night of 12.03.2015 one Ravichandran, the special sub inspector of police (A4) with his party found the aforesaid Manikandan at Karaikal. On suspicion he was brought to Thiruvavur on 13.03.2015 at 11 A.M. Intimation was given to the petitioner. The petitioner along with others took the suspected accused Manikandan to Perugavazhdan police station, illegally detained and enquired him. On 13.03 2015 the petitioner and others searched the house of Malliga, the grandmother of Manikandan at Palaiyur then took him to Karaikal and then returned to Perugavazhnthan police station. On 14.03.2015 the petitioner took Manikandan to Trichy tolegate but unable to recover any stolen articles. Manikandan was entrusted to the custody of the special team at Mannargudi police station (Crime no.152/2015 U/S. 457,



380 of IP.C.) The special team without making any entries in any of the registers again took Manikandan to his grandmother's house at Palaiyur for recovery of stolen articles. Nothing was recovered. Then they took Manikandan to Peruguvazhndhan police station. The petitioner and 8 others enquired Manikandan from 13.03.2015 till 16.03.2015 compelled and tortured him to give confession statement on 16.03.2015 at 10.15. A.M. fabricated a confession statement Manikandan was sent to the Judicial Custody. Thereafter, the said Manikandan was admitted as in patient ton 17.03.2015 Mahatma Gandhi hospital, Trichy and while undergoing treatment there died on 19.03.2015. Hence, the respondent after investigation has laid charge sheet against the petitioner others U/S 147,148,167,323,343,348,302 IP.C., Aggrieved by the charge sheet, the petitioner files this petition to quash the charge sheet against him.

3. The learned counsel for the petitioner submits that there is no specific allegations as to which accused used weapon and also the nature of weapons as to ascertain whether such weapons are deadly weapons. Further, there is contradiction between the medical certificate given by the doctor and the accident register with regard to injuries upon the deceased which falsifies the charge against the petitioner. Furthermore, the deceased was not made



any allegations against the accused persons while remanding to judicial custody by the Magistrate. Therefore, the allegations against the petitioner is totally erroneous and there is no basic materials to prosecute the petitioner. Hence, he prays to allow this petition.

4. By way of reply, the learned Government Advocate (Crl.Side) submits that in the post mortem report, it is stated that there are 36 injuries in the deceased body and also the doctor opined that deceased may died due to the reason of multiple injuries which may lead to cause for his death. Hence, he prays to dismiss this petition.

5. On perusal of the records, it reveals that the deceased died due to multiple injuries. Hence, it is matter for trial at this stage I am not inclined to allow this petition. Accordingly, this petition is dismissed. No Costs. consequentially, connected miscellaneous petitions are closed.

01.03.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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