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CrI.O.P.No.30099 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.30099 of 2024 and

CrI.M.P.No.16987 of 2024

Harinath

... Petitioner

Vs.

The State represented by its:

1. The Inspector of Police

K2, Ayanavaram Police Station

Chennai – 23

(Crime No.135 of 2023)

2. Raja Devnath

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records pertaining to S.C.No.450 of 2023 on the file of the learned Sessions Judge, Magalir Needhimandram, Chennai and quash the same.

For Petitioner : Mr.S.Manoharan

For 1st Respondent : Mr.S.Sugendran

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed by the petitioner to quash the case in S.C.No.450 of 2023 on the file of the learned Sessions Judge, Magalir Needhimandram, Chennai.

2. The learned counsel for the petitioner submitted that based on a false complaint given by the 2nd respondent, the respondent police registered FIR against the petitioner and others for the offence under Sections 195A, 307 and 109 IPC in Crime No.135 of 2023 as if, the petitioner/A1 conspired with A2 and upon their instruction, A3 to A5 threatened and attempted to murder the defacto complainant/2nd respondent and his mother. The contention of the petitioner is that there is no evidence or material to implicate the petitioner into this case. Therefore, the proceedings in S.C.No.450 of 2023 on the file of the learned Sessions Judge, Magalir Needhimandram, Chennai has to be quashed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and also perused the



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materials available on record.

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4. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

5. A reading of the complaint and the statements recorded from the list of witnesses under Section 161(3) Cr.P.C. shows prima facie material to implicate the petitioner as accused in this case. The grounds taken by the petitioner are matter of defence which can be taken only during trial. This Court does not find any merits in this case.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

7. The petitioner is at liberty to take all his defence during trial.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Inspector of Police
K2, Ayanavaram Police Station
Chennai – 23
2. The Public Prosecutor
High Court of Madras
3. The Sessions Judge,
Magalir Needhimandram, Chennai



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P.VELMURUGAN. J.

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