



Crl.O.P.(MD)No.1355 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.1355 of 2024

and

Crl.M.P.(MD)Nos.937 & 938 of 2024

Jahankir Abbas

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(In Crime No.343 of 2020)

2.Karuppusamy,
S/o Somu,
Police Officer, Head Constable, No.1996,
Serious Crime Squad,
Sathirakudi Police Station,
Ramanathapuram District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case registered in impugned Charge Sheet in P.R.C.No.9 of 2022 on the file of the learned District Munsif cum Judicial Magistrate Court, Rameswaram in Crime No.343 of 2020 on the file of the first Respondent Police and quash the same against the Petitioner alone as illegal.



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For Petitioner : Mr.B.Arun

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the Charge Sheet in P.R.C.No.9 of 2022 on the file of the learned District Munsif cum Judicial Magistrate Court, Rameswaram in Crime No.343 of 2020 on the file of the first Respondent Police.

2.The learned Counsel appearing for the Petitioner submitted that the Petitioner herein is arrayed as A7 in P.R.C.No.9 of 2022 on the file of the learned District Munsif cum Judicial Magistrate Court, Rameswaram. It is the contention of the learned Counsel for the Petitioner that the Defacto Complainant in this case is a Police Officer, belonging to the Serious Crime Squad. It is a case involving seizure of sea cucumber from the Accused persons by the Special Team.

3.The learned Counsel for the Petitioner invited the attention of this

Court to the averments of the First Information Report as well as the



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contents of the Charge Sheet laid by the first Respondent, wherein there is no mention of medical records or names of the Doctors, who treated the injured Police Men and there is no reference about the Doctors as witnesses. There are no specific overt act stated against the Petitioner herein. Therefore, he seeks to quash the impugned Charge Sheet.

4.The learned Government Advocate(Crl.side) appearing for the Respondents, on instructions, submitted that there are specific averments in the contents of the First Information Report. The Accused persons joined together and attacked the Police Men by questioning that how can they seize the goods belonging to one Allahpitchai. He further submitted that the grounds raised in the present Petition cannot be considered under Section 482 of the Code of Criminal Procedure, which is to be put into test during the evidence and valuable defence cannot be considered to quash the Charge Sheet. Therefore, the learned Government Advocate(Crl.side) seeks to dismiss the present Petition.

5.This Court considered the rival submissions on either side. As rightly pointed out by the learned Government Advocate(Crl.side), valuable defence is available to the Petitioner during trial. This Court, by exercising its inherent powers under Section 482 of the Code of Criminal Procedure,



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cannot quash the Charge Sheet or First Information Report, on the basis of valuable defence of the accused and as per the guidelines issued by the Hon'ble Supreme Court in *State of Haryana Vs. Bhajan Lal reported in 1992 SCC (Crl) 426*. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

06.02.2024

Index : Yes/No

Internet: Yes/No
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- 1.The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
- 2.The District Munsif cum Judicial Magistrate Court,
Rameswaram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

gns

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