



Crl.OP(MD)No.4363 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD) No.4363 of 2024 and
Crl.MP(MD) Nos.3438 & 3439 of 2024

Subash

... Petitioner/A5

Vs

1.The State rep by
The Inspector of police,
Uthumalai Police Station,
Tirunelveli District.
Crime No.224 of 2019

2.Kavilkumar

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC No.31 of 2023 pending on the file of the Judicial Magistrate Court, Alangulam, Tenkasi District and to quash the same.

For Petitioner : Mr.A.Arputharaj
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to quash the proceedings in CC No.31 of 2023 pending on the file of the Judicial Magistrate Court, Alangulam, Tenkasi, insofar as the petitioner is concerned.



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2.The case of the prosecution is that the defacto complainant is an Auto driver. He used to pick up the school students in his Auto. On 31.07.2019, when the defacto complainant took the school children in his Auto, the petitioner along with the other accused restrained the defacto complainant and attacked him and also threatened him with dire consequences. Therefore, a case in Crime No.224 of 2019 has been registered as against the petitioner and others for the offence under Sections 147, 341, 294(b) and 506(ii) of IPC and final report was also filed in and the same was taken on file in CC No.224 of 2019 by the learned Judicial Magistrate, Alangulam, Tenkasi.

3.The learned Counsel for the petitioner submits that there is a delay of three days in lodging the complaint. He further submits that there is no specific overt act as against this petitioner. The learned counsel requests to dispense with the personal appearance of the petitioner before the trial Court.

4.Mr.E.Antony Sahaya Prabahar, learned Additional Public

Prosecutor, who takes notice for the official respondent strongly objects



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for quashing the proceedings in CC No.31 of 2023 and submits that the grounds raised by the petitioners is a matter for trial.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

6.Though the petitioner has raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

12.06.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn



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To

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1. The Inspector of police,
Uthumalai Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
Crl.OP(MD) No.4363 of 2024 and
Crl.MP(MD) Nos.3438 & 3439 of 2024

12.06.2024