



Crl.O.P.(MD)No.5173 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.5173 of 2024

and

Crl.M.P.(MD)No.4075 and 4076 of 2024

Poomariappan

... Petitioner

Vs.

1.The Inspector of Police
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.339/2023).

2. Muniyakrishnan

3. Gnanamuthu

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Charge sheet in S.T.C. No.2221 of 2023 pending on the file of the learned Judicial Magistrate No.I Kovilpatti Thoothukudi District and quash the same.

For Petitioner : Mr.B.Anandan

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

ORDER

The petitioner is facing a charge before the learned Judicial Magistrate No.I Kovilpatti Thoothukudi District, in S.T.C. No.2221 of 2023 for the offence punishable under Sections 294(b), 323 and 506(i) IPC.



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2. The case of the prosecution is that on 25.09.2023, due to civil dispute, the petitioner assaulted the defacto complainant and caused injuries on his hip. Hence, a case has been registered.

3. The learned Additional Public Prosecutor appearing for the first respondent, by referring the FIR in Cr.No.339 of 2023, submits that there are specific allegations as against the petitioner.

4. The learned counsel appearing for the petitioner submits that the petitioner is an Army person and he was not available at the time of occurrence. However, he has been added as an accused.

5. Since there is a specific allegation against the petitioner, this Court is not inclined to entertain this petition. The petitioner can establish his innocence before the Trial Court by adducing evidence.

6. The learned counsel for the petitioner submits that the petitioner is working at Chennai and it would be difficult for him for every hearing.



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7. The petitioner is at liberty to file a petition under Section 205

Cr.P.C before the trial Court and the trial Court shall consider the same on merits. This criminal original petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

03.04.2024

Index : Yes/No

Internet:Yes

NCC : Yes/No

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To

- 1.The Judicial Magistrate No.I,
Kovilpatti, Thoothukudi District.
2. The Inspector of Police
Kovilpatti East Police Station,
Thoothukudi District.
- 3.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
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