



CRL.O.P (MD) No.8287 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.06.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.8287 of 2024

1.Vinith
2.Santhosh Raja
3 Satheesh Kumar

... Petitioners

Vs

1. State represented by
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
Crime No.312 of 2019.

2. Muthu Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the CC.No.383 of 2020 on the file of the learned Judicial Magistrate No.II, Virudhunagar District and quash the same as illegal, violation of law as against the petitioners/accused Nos.2, 3 and 4.



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For Petitioners : Mr.M.Jothi Basu

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking to quash the final report in connection with the CC.No.383 of 2020 on the file of the learned learned Judicial Magistrate No.II, Virudhunagar District.

2.The case of the prosecution is that the accused have threatened the defacto complainant. Based on the complaint lodged by the de-facto complainant, the first Respondent had registered a case in Crime No.319 of 2019 against the accused for the offence punishable under Sections 147, 294(b), 504, 506(i) of IPC r/w. Section 67 of Information Technology Act, 2000 and after investigation, filed the final report as against the petitioner for the offence under Sections 1 147, 294(b), 504, 506(i) of IPC r/w. Section 67 of Information Technology Act, 2000.

3.The case of the petitioner is that inclusion of offence punishable



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under Sections 2 147, 294(b), 504, 506(i) of IPC r/w. Section 67 of Information Technology Act, 2000, in the final report is illegal and contrary to the facts and circumstances of the present case. The allegation levelled against the petitioner is vague and bald. There is no commission of offences so as to attract the penal provisions and there are no ingredients to make out an offence under the sections mentioned in the final report. Hence the same is liable to be quashed.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the case is taken on file and the petitioners can very well establish their case before the trial Court.

5.This Court considered the rival submissions made.

6.All the grounds raised by the petitioners herein can very well be raised by the petitioners before the trial Court, as it is a matter for trial and they can establish their case in the trial. Therefore, this Court is not inclined to entertain this petition.



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7. Accordingly, this criminal original petition is dismissed with liberty to the petitioners to raise all these grounds before the trial Court.

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

07.06.2024

jbr

To

1. The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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