



Crl.O.P.(MD)No.13328 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.13328 of 2022

and

Crl.M.P.(MD)Nos.8501 & 8504 of 2022

G.Senthamil Selvan

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Medical College Police Station,
Thanjavur.
(Crime No.586 of 2016)

2.Arokiya Doss,
Inspector of Police,
Medical College Police Station,
Thanjavur City.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the impugned charge sheet in C.C.No.57 of 2020 on the file of the learned Judicial Magistrate No.II, Thanjavur and quash the same insofar as the petitioner/A2 is concerned.

For Petitioner : Mr.B.Karuppasamy



Crl.O.P.(MD)No.13328 of 2022

For R1

: Mr.S.Manikandan,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.57 of 2020 on the file of the learned Judicial Magistrate No.II, Thanjavur.

2.The case of the prosecution is that the accused persons were in illegal possession of unlicensed R.S.2 Blank Fire Sport Pistol and unlicensed ammunition. Hence, a case in Cr.No.586 of 2016 came to be registered. Upon completion of investigation, the first respondent filed final report, for the offences punishable under Section 25(1B)(b) of the Arms Act, 1959. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in the above case and he has nothing to do with the alleged occurrence. He



Crl.O.P.(MD)No.13328 of 2022

further submits that the petitioner herein was implicated only based on the confession statement of the co-accused. The first respondent, without conducting proper investigation, had filed final report, which is not sustainable one. Accordingly, he prayed to quash the impugned final report.

4.The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that first respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below. He further submitted that there are materials available to proceed against the petitioner and the issues raised in the present petition are all triable issues, which cannot be agitated before this Court under Section 482 Cr.P.C., and accordingly, he prayed to dismiss the present petition.

5.Heard the learned counsel on either side and perused the materials available in the record.



6. Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

7. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioner if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner cannot be let by quashing the charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

8. For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in C.C.No.57 of 2020 on the file of the learned Judicial Magistrate No.II, Thanjavur. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petitions are closed.



CrI.O.P.(MD)No.13328 of 2022

WEB COPY

9. At this juncture, the learned counsel appearing for the petitioner submitted that this Court may consider dispensing with the personal appearance of the petitioner before the court below. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

12.03.2024

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



WEB COPY



Crl.O.P.(MD)No.13328 of 2022

M.DHANDAPANI,J.

gns

To

- 1.The Judicial Magistrate No.II, Thanjavur
- 2.The Inspector of Police,
Medical College Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.13328 of 2022

12.03.2024