



Crl.O.P.(MD).No.15201 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.(MD).No.15201 of 2020

and

Crl.M.P.(MD).Nos.7316 and 7317 of 2020

Shanmugaraj

... Petitioner/Accused No.6/
Accused No.6

Vs.

1.State represented by its,
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(In Crime No.432 of 2016)

... 1st Respondent/Complainant/
Complainant

2.Anbuneethi,
Village Administrative Officer,
Vellankottai (In-Charge),
North Elanthakulam,
Kayathar Taluk,
Thoothukudi District.

... 2nd Respondent/Defacto Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in connection with P.R.C.No.21 of



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2020 on the file of the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District and quash the same against the petitioner.

For Petitioner : Mr.G.Thalaimutharasu
For R-1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
For R-2 : No appearance

ORDER

The instant Criminal Original Petition has been filed to quash the charge sheet filed in P.R.C.No.21 of 2020 before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, in which the petitioner/6th accused has been charged under Sections 147, 353, 506(2), 427 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

2. It is the submission of the learned counsel for the petitioner that there is no specific overt act referred to against this petitioner.

3. However, such submission has been strongly objected by the learned Additional Public Prosecutor appearing for the first respondent. The



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learned Additional Public Prosecutor invited the attention of this Court to the 161(3) CrPC statement of the witnesses, wherein, this Court finds that while recording the statement by the Investigation Officer, the witnesses have stated the role of the petitioner herein. Therefore, when there is a *prima facie* material available along with the charge sheet, while exercising inherent jurisdiction under Section 482 CrPC, this Court cannot go into the factual position of the matter. Hence, this Court does not find any merits in the quash petition and the same is liable to be dismissed.

4. Accordingly, the Criminal Original Petition is dismissed. However, considering the long pendency of the case, this Court deems it appropriate to direct the Trial Court to dispose of the case in P.R.C.No.21 of 2020 within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

06.03.2024

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



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To

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- 1.The Judicial Magistrate No.II,
Kovilpatti,
Thoothukudi District.
- 2.The Inspector of Police,
State,
Kayathar Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

Lm

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