



Crl.O.P.(MD)No.17463 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.17463 of 2024

and

Crl.M.P.(MD)Nos.10827 and 10829 of 2024

Thangavelu

... Petitioner/A5

vs.

1.State Through

Represented by

The Inspector of Police,

Cantonment Police Station,

Cantonment, Tiruchirappalli District.

... Respondent/Complainant

2.Senthilvel

... Respondent No.2/Defacto Complainant

Prayer:- Petition filed under Section 528 of BNSS @ 482 of Cr.P.C., to call for the entire records connected with impugned charge sheet in S.C.No.19 of 2024 on the file of the learned II Additional District and Sessions Court, Tiruchirappalli District in Crime No.497 of 2019 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.M.Rajarajan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)



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ORDER

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The petition is filed to quash the impugned charge sheet in S.C.No.19 of 2024 on the file of the learned II Additional District and Sessions Court, Tiruchirappalli District in Crime No.497 of 2019 on the file of the first respondent

2.The learned counsel for the petitioner seeks quashment of the case on compromise. The primary contention of the learned counsel for the petitioner is that except to mention that the petitioner hit the defacto complainant with hands, there is no other allegations as far as the petitioner is concerned. Further, the defacto complainant himself has admitted with reference to two other accused that only on account of the previous enmity, he has roped in. As a matter of fact, the petitioner has also roped in only on account of the previous enmity. The offences which are mentioned in the final report are not at all made out as against the petitioner.

3.I have considered the said submissions made by the learned counsel for the petitioner.



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4.It can be seen that specific allegations are made against each of the accused and final report has been filed. The offences that are made out against each accused will be taken care of at the time of framing of charge by the trial Court and the contention made by the learned counsel for the petitioner cannot be a ground for quashing of the final report itself, especially when there is a specific allegation that he hit the defacto complainant with hands. Therefore, leaving open for the petitioner to raise the defense at the time of framing of the charges, the petition for quash cannot be entertained and with such liberty, the petition stands disposed of.

5.Considering the prayer of the learned counsel for the petitioner that he is residing in Pudukotai, the appearance of the petitioner for all the hearings is dispensed with except for the necessary hearings that may be insisted upon by the trial Court. Consequently, connected miscellaneous petitions are closed.

18.10.2024

NCC : Yes / No
sjj

D.BHARATHA CHAKRAVARTHY, J.



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sjj

To

- 1.The II Additional District and Sessions Court, Tiruchirappalli District.
- 2.The Inspector of Police,
Cantonment Police Station,
Cantonment, Tiruchirappalli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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