



Crl.O.P.(MD)No.23511 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

**CRL.O.P (MD) No.23511 of 2023
and
Crl.M.P.(MD)Nos.18294 and 18296 of 2023**

R.Logeswaran

...Petitioner

VS

**1.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(in Cr.No.56 of 2022)**

2.R.Ramesh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records from the Judicial Magistrate Court, Periyakulam, Theni District in C.C.No.445 of 2023 on the file of the respondent Police and quash the same as it has no *prima facie* case against the petitioner.

**For Petitioner : Mr.R.Murugan
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)**



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ORDER

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This Criminal Original Petition had been filed to quash the case in C.C.No.445 of 2023 pending on the file of the Judicial Magistrate Court, Periyakulam, Theni District.

2.The learned Counsel for the petitioner submitted that the petitioner is employed in Indian Bank and only to spoil his career, the complaint had been preferred, based on which, an FIR had been registered. The learned Counsel for the petitioner invited the attention of this Court to the accident register copy, wherein, it has not been mentioned any bleeding injury. The accident register is only mentioned about the injury. Therefore, what had been stated by the complainant had not been made out against the petitioner herein. Therefore, he seeks to quash the charge sheet.

3.The learned Government Advocate (Crl.side) vehemently objected to the line of arguments of the learned Counsel for the petitioner stating that there are specific overt act against the petitioner, as per the gist of the complaint and that when there are specific overt act made out, it is not a fit



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case for exercising the discretion under Section 482 Cr.P.C. Therefore, he seeks to dismiss this petition.

4.Considering the submissions of the learned Counsel for the petitioner, there would be defence available before the Trial Court and that cannot be a guiding factor to file a petition to quash the complaint/charge sheet, as per the reported ruling of the Hon'ble Supreme Court in the case of ***State of Haryana and others vs Bajan Lal and others***, reported in ***1992 AIR 604***. It is the submission of the learned Counsel for the petitioner that as per the accident register, there is no injury caused by the petitioner. A perusal of the 164 statement, it is found that there are specific overt act against the petitioner herein. As rightly pointed out by the learned Government Advocate (Crl.side), it is not a fit case for exercising the powers under Section 482 Cr.P.C., and hence, the submission of the learned Counsel for the petitioner is rejected.

Accordingly, the ***Criminal Original Petition*** is dismissed. The learned Trial Judge is directed to consider the application filed on behalf of the petitioner/A3, if any, for exempting his personal appearance during trial



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or other proceedings, by considering his job and subject to his defence that he had not been identified by the complainant/witnesses. The learned Trial Judge is further directed to dispose of the case in C.C.No.445 of 2023 by giving top priority. Consequently, connected miscellaneous petitions are closed.

Internet :Yes/No
Index :Yes/No

02.01.2024

cmr

To

1.The Judicial Magistrate, Periyakulam, Theni District.

2.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.



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SATHI KUMAR SUKUMARA KURUP, J.

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