



Crl.O.P.(MD)No.953 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.953 of 2024

1.A.Francis

2F.Justin Thiraviyam

3.F.Arulmuthu

4.V.Soosai

... Petitioners/Accused 1 to 4

Vs.

1.State represented by

Inspector of Police,
Ilayangudi Police Station,
Sivagangai District
(Crime No.200 of 2023)

... 1st Respondent/Complainant

2.P.Anthoniyammal

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in P.R.C.NO.58 of 2023 on the file of the Judicial Magistrate, Ilayankudi and quash the same as illegal.

For Petitioners : Mr.S.Louis

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R-2 : Mr.M.C.Chandrabose



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ORDER

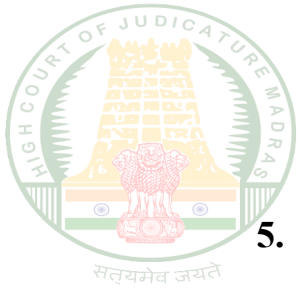
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The petitioners seek quashing of charge sheet in P.R.C.NO.58 of 2023 on the file of the Judicial Magistrate, Ilayankudi, filed for the offences under Sections 294(b) and 302 IPC.

2. The allegations against the petitioners are that on account of an earlier dispute, they had attacked the deceased, due to which, he fell down and thereafter, he was found dead.

3. The learned counsel for the petitioners would submit that the allegations are false; that the accused 1 to 3 were not in the scene of occurrence; that the deceased and the fourth accused are brothers; that there was quarrel only with the fourth accused and the deceased; that as the deceased was a heart patient, he died on the spot; and that the allegations levelled against the petitioners would not constitute the offence under Section 302 IPC.

4. The learned Additional Public Prosecutor per contra submitted that the case was committed to the Sessions Court and the same was taken on file in S.C.No.68 of 2025 and trial has now commenced and three witnesses have already been examined.



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5. The point raised by the learned counsel for the petitioners that the allegations are false and would not constitute the offence under Section 302 IPC cannot be adjudicated in this quash petition. It is for the petitioners to raise all such defenses before the trial court, especially, since the trial has already commenced. Hence, this Court is not inclined to quash the charge sheet.

6. In the result, this Criminal Original Petition is dismissed.

08.09.2025

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

To

1. Inspector of Police,
Ilayangudi Police Station,
Sivagangai District
(Crime No.200 of 2023)
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

CM

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