



CrI.O.P(MD).No.21878 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

CrI.O.P(MD).No.21878 of 2024

and

CrI.M.P(MD)Nos.13580 and 13582 of 2024

Joeyalin Shobi

...Petitioner

Vs

The Inspector of Police  
Eraniel Police Station  
Kanyakumari District

...Respondent

***PRAYER:*** Criminal Original Petition filed under Section 528 of BSNSS call for the records relating to the impugned Final Report in C.C. No. 890 of 2022 dated 24.01.2022 on the file of the learned Judicial Magistrate, Eraniel in Kanyakumari District and quash the same as illegal as against the petitioner.

For Petitioner

: Mr.T.Wins

For Respondent

: Mr.E.Antony Sahaya Prabhakar  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 890 of 2022 dated 24.01.2022 on the file of the learned Judicial Magistrate, Eraniel



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2. The contention of the petitioner is that the petitioner has been arrayed as accused and he has been prosecuted on mere surmises and conjunction. There is no nexus between the petitioner and the accused and the petitioner has no active role with the accused. Even the petitioner was not present in the scene of occurrence but on wrong presumption the petitioner has been prosecuted.

3. The learned Additional Public Prosecutor strongly opposed the contention of the petitioner and submitted that after registration of the First Information Report investigation has been completed and during investigation 12 witnesses have been examined. Their statements have been annexed in the final report. The petitioner's active role has been spoken by the witnesses including the school students from the confession there have been recoveries. In view of the same, the contention of the petitioner cannot be taken on face value and it has to be tested only during trial . The grounds taken by the petitioner are factual in nature. He further submitted that case against A1 was dismissed by Court in Crl.O.P(MD) No.2840 of 2024 on 10.04.2024.

4. Taking into consideration the fact the case is under the stage of examination of witnesses and at this stage this case cannot be entertained.



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Further other pointed raised by the petitioner have to be gone into full fledged trial and the mixed question of facts cannot be decided under Section 482 of Cr.P.C, hence this Court is not inclined to quash the proceedings. Accordingly the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

**29.01.2025**

NCC : Yes/No  
Internet : Yes/No  
Index : Yes/No  
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To

1. The Judicial Magistrate, Eraniel
2. The Inspector of Police  
Eraniel Police Station  
Kanyakumari District
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.NIRMAL KUMAR,J.**

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