

Selvam Vs. State rep by the Sub-Inspector of Police, Viruthunagar and Another

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Court : Chennai Madurai

Decided On : Mar-11-2016

Judge : P.N. Prakash

Appeal No. : Crl.O.P.(MD) No. 4317 of 2016

Appellant : Selvam

Respondent : State rep by the Sub-Inspector of Police, Viruthunagar and Another

Judgement :

(Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the charge Sheet in C.C.No. 163 of 2015 pending before the Judicial Magistrate No. II, Virudhunagar in Crime No. 38 of 2013 dated 06.02.2013 on the file of the respondent No. 1 for the alleged Offences under Sections 147, 148, 294(B) and 506(ii) I.P.C and Section 4 of TNPWH Act and quash the same as illegal in so far as petitioners are concerned.

1. This petition has been filed to call for the records pertaining to the charge Sheet in C.C.No. 163 of 2015 pending before the Judicial Magistrate No. II, Virudhunagar in Crime No. 38 of 2013 dated 06.02.2013 on the file of the respondent No. 1 for the alleged Offences under Sections 147, 148, 294(B) and 506(ii) I.P.C and Section 4 of TNPWH Act and quash the same as illegal insofar as the petitioners

are concerned.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. On reading of the charge sheet, it is seen that an incident is said to have occurred on 25.09.2012 around 08.30 in the night. Learned counsel for the petitioner has contended that the defacto complainant's husband has given a totally different version in the connected case as if the incident had taken place on 26.09.2012,

4. In the considered opinion of this Court, the statement made by the defacto complainant's husband cannot be looked into at the stage of quash proceedings and it is open to the petitioner to raise all these issues before the Trial Court.

With the above observation, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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