

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Crl.O.P.No.7493 of 2015
and M.P.Nos.1 and 2 of 2015

Manivasagam

...Petitioner

vs.

The State rep by
Deputy Superintendent of Police,
Chidambaram,
Cuddalore District.
(Crime No.114 of 2014 on the file
of the Annamalainagar Police Station)

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the case in P.R.C.No.30 of 2014 on the file of the Judicial Magistrate No.I, Chidambaram, Cuddalore District and quash the same so far as the petitioner is concerned.

For Petitioner : Mr.G.Pugazhenth

For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

The petitioner is the second accused in P.R.C.No.30/2014 on the file of the Judicial Magistrate No.I, Chidambaram and seeks to quash the said proceedings.

2. The learned counsel for the petitioner submitted that on the complaint given by one Ayyappan, the case was registered in Crime No.114 of 2014 against 41 persons for offences under Sections 147, 148, 323, 324, 307, 436 and 307 IPC and Section 3 of PPD Act and Sections 3(1)(r), 3(1)(s) and 3(1)(o) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further submitted that in the F.I.R., the name of the petitioner was not mentioned and on 26.04.2014, the petitioner gave a complaint against 12 named persons and 50 unnamed persons who belong to the complainant party in Crime No.114/2014 and on the basis of the said complaint given by the petitioner dated 26.04.2014, the case was registered in

Crime No.116 of 2014 against those 12 named persons and 50 unnamed persons for offences under Sections 147, 148, 294(b), 324, 454, 380, 506(ii), 435 and 307 IPC. It is also submitted that in view of the complaint given by the petitioner against the complainant in Crime No.114 of 2014, the name of the petitioner was included during investigation as if the petitioner has committed offences under Sections 147 and 506(ii) IPC. He therefore submitted that having regard to the judgment of the Hon'ble Supreme Court in State of Harayana and Others v. Bhajal Lal and Others [1992 Supp (1) SCC 335], the petitioner's name has been included maliciously for having given complaint against the complainant in Crime No.114/2014 and therefore, the petitioner has to be discharged from the above case in P.R.C.No.30/2014 on the file of the Judicial Magistrate No.I, Chidambaram, Cuddalore District.

3. I am unable to accept the contention of the learned counsel for the petitioner. It is seen from the charge sheet that the witnesses, namely Puratchi Vizhi, Nagooran and Elangovan were examined on 25.04.2014 by the Deputy Superintendent of Police and those persons mentioned the presence of the petitioner and also gave statement regarding the overt act committed by the petitioner. No doubt, in the F.I.R, the name of the petitioner was not mentioned and during investigation on 25.04.2014, the aforesaid witnesses spoke about the role of the petitioner in the above offences and therefore, it cannot be said that the petitioner was included later on the basis of the complaint given by the petitioner on 26.04.2014. Hence, the submission of the learned counsel for the petitioner cannot be accepted.

4. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

jvm

-s/d-

Assistant Registrar(J)

Dt:6/4/2015

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.1,
Chidambaram, Cuddalore District.
2. The Chief Judicial Magistrate,
Cuddalore.

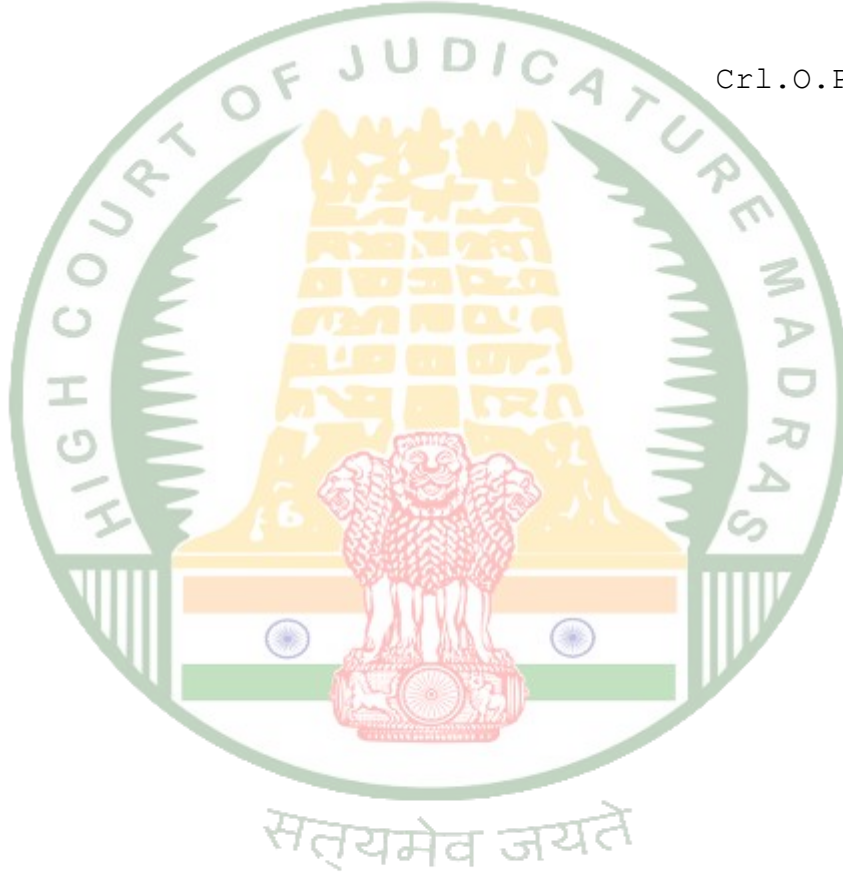
3. The Deputy Superintendent of Police,
Chidambaram,
Cuddalore District.

4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.G.Pugazhenthii, Advocate SR 17502

kji(co)
prk7/4

Cr1.O.P.No.7493 of 2015



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