



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.03.2015

CORAM

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.O.P. (MD)No.1610 of 2014
and
M.P (MD) Nos.1 & 2 of 2014

1.Sundaramagalingam
S/o.Gurusamy
Sub Inspector of Police,
District Crime Branch,
Korampallam, Thoothukudi,
Thoothukudi District.

2.Jawaharlal Nehru
S/o.palavesam
Head Constable,
District Crime Branch,
Korampallam, Thoothukudi,
Thoothukudi District.

3.Murugan
S/o.Velayutham,
Head Constable,
District Crime Branch,
Korampallam, Thoothukudi,
Thoothukudi District.

4.Kamaraj
S/o.Antony Joshap
Head Constable,
District Crime Branch,
Korampallam, Thoothukudi,
Thoothukudi District.

5.Ashok Kumar
S/o.Thangaraj
Head Constable,
District Crime Branch,
Korampallam, Thoothukudi,
Thoothukudi District.

6.Jeyaselan
S/o.Irudhayadoss
Inspector of Police,
District Crime Branch,
Korampallam, Thoothukudi,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>

N.Somasundar

..Petitioners
Vs

..Respondent



Prayer: Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to the case in C.C.No.189 of 2013 on the file of the Judicial Magistrate No.II, Thoothukudi and quash the same.

For Petitioners : Mr.S.Ramasamy

For Respondent : N.A

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ORDER

The petitioner seeks to quash the proceedings in C.C.No.189 of 2013 on the file of the Judicial Magistrate No.II, Thoothukudi.

2.The petitioners are all police personnel, the first petitioner being a Sub Inspector of Police, the petitioners 2 to 5 are the Constables and sixth petitioner an Inspector of Police. They face prosecution for offences under Sections 147, 342, 167, 451, 506(i) r/w 34, 109 of IPC upon a private complaint case in C.C.No.189 of 2013 on the file of the Judicial Magistrate No.II, Tuticorin.

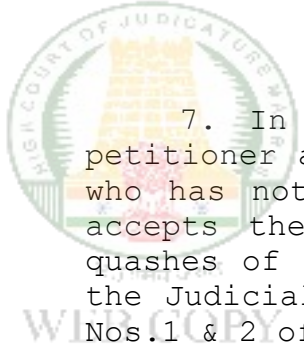
3.The submissions of the learned counsel for the petitioners was heard. The materials available on record were also perused.

4.No representation for the respondent inspite of notice having been served.

5. The learned counsel for the petitioner submits that the respondent had preferred a false case of misconduct against the petitioners on 10.08.2013. The entire complaint allegations were false. One Muthu was the accused in case registered in Cr.No.148 of 2013 on the file of the Pudukottai Police Station for the offences under Sections 279 and 337 of IPC. He was granted bail by the Judicial Magistrate No.I, Tuticorin. One of the sureties produced by him was a person by name Thangavel Murugan S/o.Selva Pandian. The Village Administrative Officer, on coming to know that the solvency certificate produced by such surety Thangavel Murugan was a forged one had preferred a complaint, which was registered in Cr.No.23 of 2013 on the file of the District Crime Branch, Tuticorin for offences under Sections 465, 466, 468 and 471 of IPC on 09.08.2013. The petitioners were all then working at such office. Upon the arrest of the said Thangavel Murugan, he inter-alia confessed to the solvency certificate having been obtained through the respondent, an Advocate.

6. The learned counsel for the petitioner submits that the respondent thus was an accused in case in Cr.No.23 of 2013. Further he was an Advocate, who merely had been called for an enquiry. Having attended the same, the respondent had made a false representation before the Local Bar Association of his having been dealt with in an improper manner by the petitioners and the same led to a boycott of Court of the Judicial Magistrate No.I, Tuticorin on 10.08.2013. Thereafter, the second respondent had

preferred a complaint before the Judicial Magistrate No.II, Tuticorin on 14.08.2013.



7. In the circumstances informed by the learned counsel for the petitioner and in the absence of any rebuttal there of by the respondent, who has not chosen to appear despite the service of notice, this Court accepts the submissions of the learned counsel for the petitioner and quashes of all further proceedings in C.C.No.189 of 2013, on the file of the Judicial Magistrate No.II, Tuticorin. Consequently, connected M.P(MD) Nos.1 & 2 of 2014 are also closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate NO.II,
Tuticorin.

2.-Do- Thro The Chief Judicial Magistrate
Tuticorin.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Ramasamy, Advocate in SR.No.11668

sm:26.03.2015:3P/5C

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