

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.14890 of 2016

P.Kamaraj

...

Petitioner/Accused

Vs

1.State rep.by

Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
(Crime No.177/2008)

...1st Respondent/Complainant

2.P.Jayakumar

... 2nd Respondent/Defacto
Complainant

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records in P.R.C.No.160/2008 on the file of the learned Judicial Magistrate No.II, Pollachi and quash the same.

For Petitioner :Mr.M.N.Balakrishnan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor for R1

O R D E R

Seeking a direction to call for the records in P.R.C.No.160/2008 on the file of the learned Judicial Magistrate No.II, Pollachi and quash the same, the petitioner has come up with this petition.

2. On the complaint of one P.Jayakumar, the first respondent police registered a case in Crime No.177 of 2008 and after completing the investigation, filed a final report in C.C.No.160 of 2008 before the Judicial Magistrate No.II, Pollachi for the offences under Sections 294(b), 355 and 506(i) IPC on 17.09.2008 against the petitioner, challenging which, the petitioner is before this Court.

3. Notice was served on the second respondent/de facto complainant and since he has not entered appearance, his name is entered in the cause list.

4. Heard Mr.M.N.Balakrishnan, learned counsel appearing for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the first respondent.

5. Mr.M.N.Balakrishnan, learned counsel appearing for the petitioner submitted that the final report, even if accepted as gospel truth, does not disclose the commission of offence as aforesaid.

6. The above submission of the learned counsel for the petitioner was strongly refuted by the learned Additional Public Prosecutor.

7. This Court has perused the final report and the statements of the witnesses examined by the police

8. The case of the prosecution is that the defacto complainant is a Secretary of R.K.R. Higher Secondary School in A.Nagoor, in which, the petitioner was working as a Vocational Teacher. It is alleged by the prosecution that the School Administration was taking disciplinary action against the petitioner, incensed by which, the petitioner is said to have abused the Secretary on 17.09.2008 at around 1.00 p.m.,.

9. The nature of the abuse is that the petitioner had cursed the Secretary that he and his family will not prosper for being so vindictive towards him. Apart from this, there is no other allegation against this petitioner. This Court finds that the entire prosecution is an abuse of process of law.

Accordingly, this criminal original petition is allowed and the proceedings in P.R.C.No.160 of 2008 on the file of the learned Judicial Magistrate No.II, Pollachi is quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.

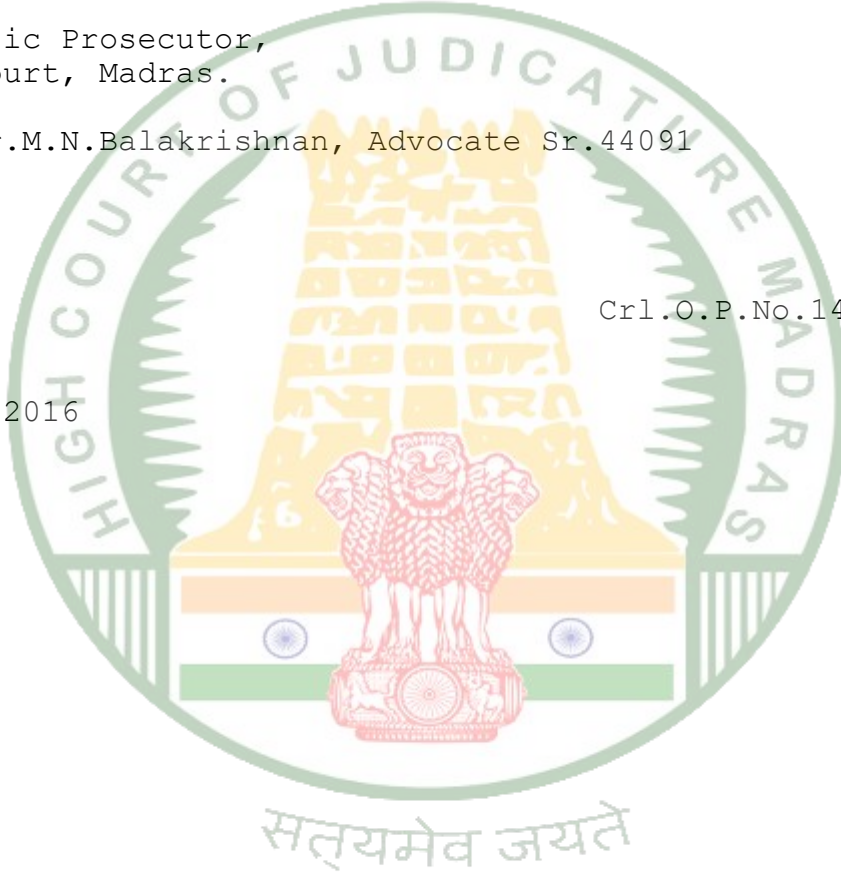
2.The Judicial Magistrate No.II,
Pollachi.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.N.Balakrishnan, Advocate Sr.44091

Crl.O.P.No.14890 of 2016

GJ II[co]
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