



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.1884 of 2016

and

Crl.M.P. (MD) Nos.976 & 977 of 2016

1.Anish Mohammed Salin

2.Aaysha

... Petitioners

vs.

1.The State rep.by its
The Sub Inspector of Police
Town Police Station
Tirunelveli District
(Crime No.229 of 2015)

2.Paramasivan

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records as made in C.C.No.240 of 2015, on the file of the learned Judicial Magistrate No.IV, Tirunelveli District, by the first respondent in connection with Crime No.229 of 2015, on the file of the Sub Inspector of Police, Town Police Station, Tirunelveli District and quash the same as devoid of merits and illegal.

For Petitioner : Mr.S.Palanivelayutham

For Respondent : Mr.K.V.Rajaraman, G.A.(Crl.Side) for R1

O R D E R

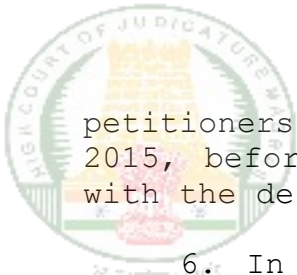
The petitioners have filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, to quash the proceedings in C.C.No.240 of 2015, on the file of the learned Judicial Magistrate No.IV, Tirunelveli District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3. On reading of the final report filed by the first respondent Police, in C.C.No.240 of 2015, it is seen that there are sufficient materials against the petitioners herein and their case does not pass the test laid down Hon'ble Supreme Court in State of Haryana and Others vs. Bhajan Lal, reported in [1992 Supp (1) SCC 335] for quashment.

4. It is alleged by the de facto complainant that on 20.04.2015, at 06.00 p.m., the petitioners had wrongfully restrained and abused him in filthy languages.

5. Mr.S.Palanivelayutham, learned counsel for the petitioners, has submitted that this is a motivated prosecution, inasmuch as the



petitioners herein have filed a writ petition, in W.P.(MD) No.20952 of 2015, before this Court, against the respondent Police officials citing with the de facto complainant.

6. In the considered opinion of this Court, all these extraneous aspects cannot be looked into while deciding quashment of proceedings in a calender case.

7. In the result, the criminal original petition fails and it is dismissed. The learned Judicial Magistrate No.IV, Tirunelveli District, during trial, should not be carried away in anyway by these extraneous factors. Consequently, connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.IV,
Tirunelveli District.

2.The Sub Inspector of Police,
Town Police Station, Tirunelveli District.

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

+1cc to Mr.S.Palanivelayutham, Advocate SR.No.9349/16

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