

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

CRL.O.P.No.24369 of 2012 and
M.P.No.1 of 2012

Arul Nathan

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.

.. Respondent

Prayer : Criminal Original Petition has been filed under
Section 482 of Cr.P.C. to call for the records in P.R.C.No.15
of 2012 on the file of Judicial Magistrate No.III, Cuddalore
and quash the same as illegal.

For the petitioner : Mr.A.Ramesh

For the respondent : Mrs.Shabana

Government Advocate (Criminal Side)

ORDER

This criminal original petition is preferred by the
petitioner/accused A1 to call for the records in PRC.No.15 of
2012 on the file of Judicial No.III, Cuddalore charged under
section 147,341, 294(b) 307 of IPC r/w 34 of IPC .

2.Brief case of the petitioner/accused A1

The case of the prosecution is that the defacto
complainant namely Palanivel and the petitioner/accused A1
having disputes over the village panchayat election and one
Arangi won the election defeating the petitioner/accused A1.
This made enmity between both parties and 23.10.2011 all the
accused A1 to A3 came in a bolero car having registration
number TY 01 BA 6743 owned by the 1st accused driven by the 2nd
accused threatened the defacto complainant by abusing
unparliamentary words and attempted to dash him in the car and
caused damages to the motorcycle owned by the defacto
complainant. The complaint was preferred by the defacto
complainant against the petitioner/Accused A1 to A3 and the
respondent police registered the FIR in Cr.No.731 of 2011
under section 147,341,294(b), 307 of IPC amended 341, 294(b),
427 and 307 of IPC r/w 34 of IPC .

3.The respondent police conducted investigation and filed the final report against A1 to A3 on 10.11.2011.

4.The learned Magistrate took cognizance of the offence in PRC.No.15 of 2012 and issued summons to the accused. Aggrieved over the same, the petitioner/accused A1 filed this quash petition to call for the records in PRC No.15 of 2012 and quash the same.

5.Heard the arguments on either side and perused the entire materials available on record.

6.The learned counsel for the petitioner/accused 1 submits that the petitioner is a practicing Advocate and he has not presented near the scene of occurrence.

7.The learned counsel for the petitioner/accused 1 submits that the entire case on the face of it is an accident and by no stretch of imagination to sue be construed as an offence under section 307 of IPC.

8.The learned counsel for the petitioner/accused 1 submits that there is nobody injured and damage to the tune of Rs.500/- to the vehicle and hence no offence is made out.

9.The learned counsel for the petitioner/accused 1 submits that there is no major damage to the vehicle due to dashing of car against the said vehicle.

10.The learned counsel for the petitioner/accused 1 submits that taking totality of the charges no offence under section 307 of IPC is made out. As the complainant was not at injured and imaginary complaint was given under section 307 of IPC and the same is abused the process of law.

11.The learned Government Advocate (Criminal Side) appearing for the respondent opposed the contentions of the petitioner/accused and sought for dismissal of the criminal original petition.

12.In the case on hand, admittedly nobody was injured and damage to the tune of Rs.500/- to the vehicle. Therefore no offence is made out.

13.In the result, this criminal original petition is allowed and the proceedings pending against the petitioner/accused in PRC.No.15 of 2012 on the file of Judicial No.III, Cuddalore is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

vs

To

The Judicial Magistrate No.III,
Cuddalore.

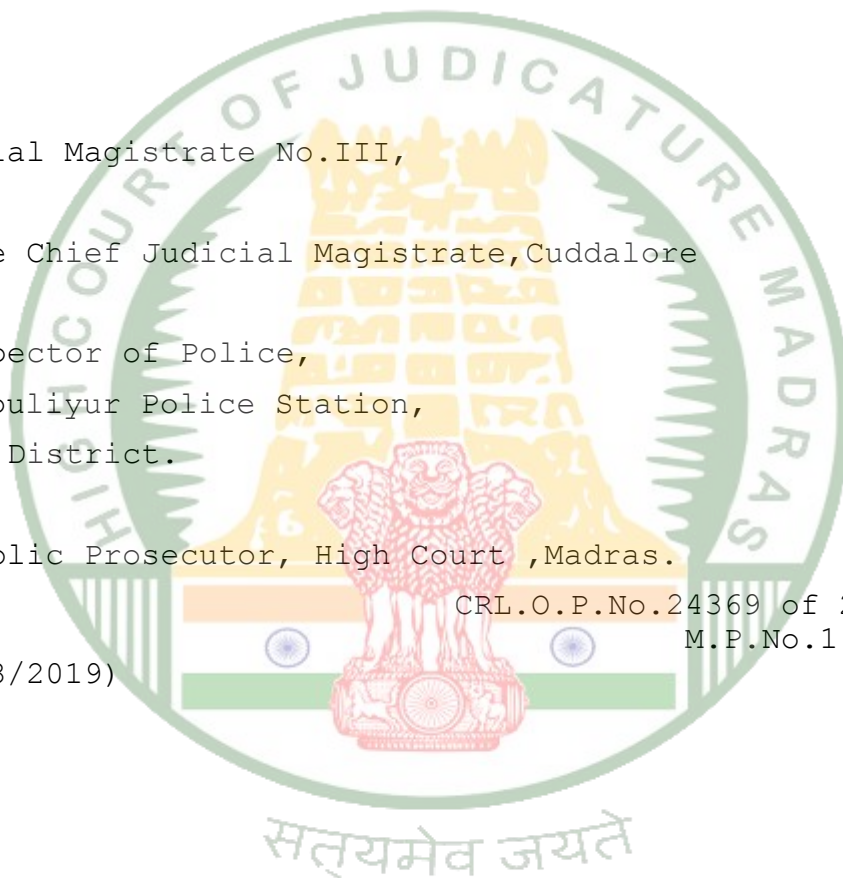
2.thro The Chief Judicial Magistrate,Cuddalore

3.The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.

4. The Public Prosecutor, High Court ,Madras.

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A.SK(18/03/2019)



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