

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.04.2017
C O R A M
THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P.No.2722 of 2012
and M.P.Nos.1 and 2 of 2012

1.K.S.Shankar
S/o.Subramani

2.Senthil
S/o.Shankar ... Petitioners
-vs-

Subbu Gopalan
S/o.Subramani ... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the complaint in S.T.C.No.123 of 2011 pending on the file of the Judicial Magistrate, No.II, Cheyyar and quash the same.

For Petitioners : Mr.B.Jawahar

ORDER

Petitioners seek quash of proceedings in S.T.C.No.123 of 2011 on the file of learned Judicial Magistrate II, Cheyyar.

2. The respondent/complainant is the brother of first petitioner. Upon the complaint of the respondent, informing occurrences on 23.01.2010, case in Crime No.366 of 2010 was registered on the file of Cheyyar Police Station, TiruVannamalai District for offences under Sections 147, 294(b), 427 and 506 (ii). Pursuant to investigation, final report has been filed informing that in the face of the respondent facing proceedings regards violation of orders of injunction passed by a Civil Court, a false complaint had been preferred by the respondent. The referred charge sheet informed the case to be "mistake of fact". It was the case of the respondent that his vehicle had been damaged by the petitioners herein. The police informed that the damage had been caused by unknown persons, respondent having parked the vehicle unattended in a lane over two months. Witnesses examined had not spoken to any untoward incidents in front of respondent's house and involving petitioners and their

henchmen as alleged by respondent. Thereafter, case in S.T.C.No.123 of 2011 have been preferred by the respondent on the same allegations. The same has been transferred to learned Judicial Magistrate, Arani and renumbered as C.C.No.183 of 2015.

3. Learned counsel for petitioners informs 'no instructions'.

4. A perusal of papers informs the case to be one of false implication.

5. This petition stands allowed and the proceedings in C.C.No.183 of 2015, on the file of learned Judicial Magistrate, Arani, shall stand quashed. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsm

1.The Judicial Magistrate,
Arani.

2.The Judicial Magistrate No.II
Cheyyar

Cr1.O.P.No.2722 of 2012

sk(co)
aa22/06/2017

WEB COPY