

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P. (MD) No.13557 of 2017****and****CRL.M.P. (MD) Nos.9116 & 9117 of 2017**

1.Ayyasamy

2.Pitchai Pandi

3.Niraipandi

... Petitioners

-Vs-

1. State represented by
The Inspector of Police,
Sivagiri Police Station,
Cr.No.172 of 2016,
Tirunelveli District.

2. Uomar Kathab

... Respondents

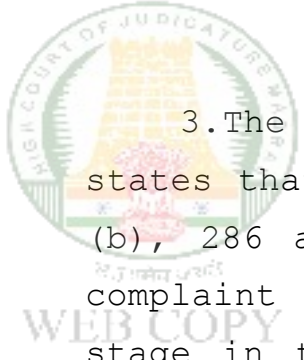
PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to admit the quash petition on file, to call for the records in C.C.No.24 of 2017, on the file of the District Munsif-cum-Judicial Magistrate, Sivagiri, Tirunelveli District and to quash the same.

For Petitioners : Mr.V.Kathirvelu,
Senior Counsel for Mr.K.Prabhu,
For R1 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.24 of 2017, on the file of the learned District Munsif-cum-Judicial Magistrate, Sivagiri, Tirunelveli District.

2.Heard the learned Senior Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.



3. The learned Senior Counsel appearing for the petitioners states that a charge sheet has been filed only under Sections 294 (b), 286 and 506(i) I.P.C and that due to election motive the complaint as well as the further proceedings has come to this stage in this case. It is further stated by the learned Senior Counsel that the complaint itself would indicate that when the wife of one Syed Abbas was announced to be a candidate contesting to the post of President of Panchayat for Visvanathaperi Panchayat, it is alleged that the petitioners have used filthy language against the de-facto complainant. It is submitted that the allegations that the petitioners exploded crackers and intimidated, are general without any substance.

4. This Court has repeatedly held that motive for the complaint or probability of the incident are not matters on the basis of which the charge sheet can be quashed. This Court clearly find that the allegations in the charge sheet disclose cognizable offences. It is open to the petitioners to raise all their objections with regard to maintainability of the complaint or the proof of allegations at the time of trial or in the petition that may be filed for discharging the petitioners. Hence, this petition is dismissed as devoid of merits. Having regard to the nature of offences and the circumstances, the learned Senior Counsel for the petitioners seeks indulgence of this Court to dispense with the appearance of the petitioners. Considering the request of the learned Senior Counsel for the petitioners, the appearance of the petitioners is dispensed with unless and until their presence is specifically required by an order of Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-I)



To

1. The District Munsif-cum-Judicial Magistrate,
Sivagiri,
Tirunelveli District.

2. The Inspector of Police,
Sivagiri Police Station,
Cr.No.172 of 2016,
Tirunelveli District.

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

+1cc to M/S.K.Prabhu, Advocate SR.No.82566.

CRL.O.P. (MD) No.13557 of 2017
and
CRL.M.P. (MD) Nos.9116 & 9117 of 2017
10.10.2017

psd / mm
SDS/SV:MMS/SAR 1/27.10.2017/3P/5C