

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CrI.OP.No.8137 of 2013
and
MP.Nos.1 & 2 of 2013

Sivasankari
Sub-Inspector of Police,
Kumaralingam Police Station,
Udumalpet,
Tiruppur District.
Petitioner/Accused No.5

Vs.

Samiappan
S/o. Arunachala Gounder,
Elaiamuthur,
Udumalpet Taluk,
Tiruppur District.

...Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.317 of 2012 from the file of the Judicial Magistrate No.1, Udumalpet and quash the same.

For Petitioner : Mr.A.Panneerselvam

For Respondent : Mr.M.Purushothaman

सत्यमेव जयते
O R D E R

This petition has been filed by the Petitioner/Accused No.5 to quash the proceedings against her in C.C.No.317 of 2012 on the file of the Judicial Magistrate No.1, Udumalpet.

2. The learned counsel for the petitioner has submitted that the petitioner was working as Sub-Inspector of Police in Kumaralingam Police Station, Udumalpet Taluk. He further submitted that the respondent herein has filed a private complaint against the petitioner herein and based on the same, the learned Judicial Magistrate No-1, has taken the case on file in C.C.No.317 of 2012. He further submitted that in the said complaint, the respondent herein has stated that the petitioner

herein has not received any complaint immediately and when he approached the petitioner herein on 21.02.2012, the petitioner herein has told him that she is a relative of the accused Nos.2 and 4 and only on the instructions of accused No.4, the other accused persons have plucked coconuts from the respondent's land and also threatened the respondent to withdraw the civil suits or otherwise she file a case against him. He further submitted that the aforesaid allegations are false and the petitioner herein has discharge only official duty and prosecution cannot be launched against the petitioner herein.

3. The learned counsel for the respondent has submitted that the petitioner has not denied the allegations in her petition which were made against her in the complaint. He further submitted that on the date of occurrence i.e., on 21.02.2012, a suit in O.S.No.20 of 2012 was pending on the file of the District Munsif, Udumalpet and only with a view to compel the petitioner to withdraw the aforesaid suit, the petitioner has threatened the respondent and therefore, he prayed to dismiss the petition.

4. In the complaint filed by the respondent herein, he has categorically averred that the petitioner herein has not received the complaint immediately and only after the delay of one week, she has received the complaint, but, she informed him that the accused Nos.2 and 4 are her relatives and only on the instructions given by the accused No.4, the accused Nos.1 to 3 have plucked the coconuts in the respondent's land. It is also stated that the petitioner herein threatened him that unless he withdraws the civil suit, she would register a case against the petitioner.

5. The petitioner herein, in this petition, has not denied the allegation that she is the relative of the accused Nos.2 and 4. Under the said circumstances, this Court cannot quash the proceedings against the petitioner herein. It is open to the petitioner to establish her case before the trial Court.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Judicial Magistrate No.1,
Udumalpet

+2cc to Mr.M.Purushothaman, Advocate Sr.No.69072,68666

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and MP.Nos.1 &2 of 2013

VBA (CO)
CSL/08.11.2018



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