



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE **R. PONGIAPPAN**

Crl.O.P.(MD).No.662 of 2013 and
M.P.(MD).No.1 of 2013

Maran @ Senguttuvan

.. Petitioner/A2

Vs.

1. The State represented by
the Inspector of Police,
Panthanallur Police Station,
Thiruvidaimaruthur Taluk,
Thanjavur District.
Crime No.1/2013

.. Respondent/Complainant

2.K.Muthumani

... Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records / FIR pertaining to Crime No.1/2013 on the file of 1st respondent and quash the same.

For Petitioner : Mr.R.Narayanan

For Respondent No.1 : Mr.A.Robinson
Government Advocate (Crl. Side)

O R D E R

The petitioner herein is the second accused in Crime No.1/2013 which was registered by the first respondent police. The defacto complainant in the alleged offence was added as a second respondent in this application.

2.In the said Crime number, the case has been registered against the petitioner for the offence punishable under Section 353 of IPC r/w Section 3(1) of TNPPDL Act. Now, the petitioner being the second accused had approached this Court to call for the records pertaining to the above said crime number and to quash the same as illegal.

<https://hcservices.ecourts.gov.in/hcservices/> On the other hand, the learned Government Advocate made submission as investigation in this case has been completed and



charge sheet is going to be filed. Now considering the submission made by either side in the FIR, the defacto complainant specifically made allegation against this petitioner as on 31.12.2012 at about 3.00 p.m he restrained him to function as Government Servant. So, for this aspect extensive investigation is needed to find out the real occurrence. Further, the allegation levelled by the defacto complainant is factual aspect, which can be settled only by way of trial. Despite of that the petitioner herein filed this application to quash the entire FIR as illegal. So, the submission made by the learned counsel appearing for the petitioner is not having any merits.

4. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Panthanallur Police Station,
Thiruvidaimaruthur Taluk,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.R.Narayanan , Advocate in SR No. 48479

TM

AE/KK/SAR2/28.02.2018/2P/4C

**Cr1.O.P. (MD) No. 662 of 2013 and
M.P. (MD) .No.1 of 2013
14.02.2018**