



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD)No.11081 of 2019

and

Crl.M.P. (MD)Nos.6969 and 6970 of 2019

WEB COPY

Chidambaram

... Petitioner

Vs.

State rep by
The Inspector of Police,
Puliyankulam Police Station,
Puliyankulam,
Tirunelveli District.
(Crime No.268 of 2017)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.332 of 2017 on the file of the learned Judicial Magistrate, Sivagiri and to quash the same with regard to the petitioner / sole accused.

For Petitioner	:	Mr.DR.L.J.Soundararajan
For Respondent	:	Mr.K.Suyambulinga Bharathi Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the proceedings in C.C.No.332 of 2017 pending on the file of the learned Judicial Magistrate, Sivagiri.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

3. The petitioner is the sole accused in C.C.No.332 of 2017 pending on the file of the learned Judicial Magistrate, Sivagiri. He has been charged for the offence punishable under Section 294(b), 353 and 506(2) IPC. The fact of the present case is that the petitioner is the lorry driver and he has driven the lorry in the wrong side. When the defacto complainant, who is the Police Official, questioned the same, the petitioner is said to have abused him in a filthy language and criminally intimidated him.

4. The learned counsel for the petitioner submitted that with a *mala fide* intention, the defacto complainant has lodged the the present complaint against the petitioner. He further submitted that the complainant and the Investigating Officer are one and the same, which is not permissible under law. Therefore, the petitioner



has filed the present petition to quash the present criminal proceedings pending against the petitioner.

5. On perusal of the materials collected during investigation, it could be seen that the petitioner being a lorry driver had driven the lorry in the wrong route and when the same was questioned by the defacto complainant, the petitioner is said to have abused the defacto complainant in filthy language and criminally intimidated him. Hence, the present complaint has been lodged against the petitioner. It could be further seen that the complaint has been lodged by the Special Sub Inspector of Police, Puliyangudi Police Station. After registration of FIR, investigation has been conducted by the Inspector of Police.

6. All the materials collected during investigation *prima facie* make out a case against the petitioner and the investigation has been conducted only by the Inspector of Police. Hence, this Court is not inclined to quash the proceedings pending against the petitioner and there is no merit to quash the same. Accordingly, this Criminal Original Petition is dismissed. However, since the matter is pending from the year 2017, a direction is issued to the learned Judicial Magistrate, Sivagiri, to proceed with the trial and complete the same within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Sivagiri

2.The Inspector of Police,
Puliyankulam Police Station,
Puliyankulam, Tirunelveli District.

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

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