



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2019
CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.17687 of 2019

and

Crl.M.P(MD) Nos.10419 and 10420 of 2019

1.Govarthana Gughan
2.Arumugam
3.Esakkiyappan
4.Dhineshkannan

... Petitioners/A1 to A4

Vs.

1. The Inspector of Police
Pazhavor Police Station
Tirunelveli District

... Respondent No.1/Complainant

2.Velayuthaperumal

... Respondent No.2/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the Charge sheet in STC No.692 of 2019 on the file of the Judicial Magistrate, Valliyoor and quash the same.

For Petitioners	: Mr.C.Susikumar
For Respondents	: Mr.K.Suyambulinga Bharathi
No.1	Government Advocate (Crl.Side)
For Respondent-2	: Mr.R.Maheswaran

ORDER

This Criminal Original Petition has been filed to call for the records relating to the Charge sheet in STC No.692 of 2019 on the file of the Judicial Magistrate, Valliyoor and quash the same.

2. The crux of the complaint is that on 24.06.2019 at about 09.30 p.m while the defacto complainant was returning back to his village from Sangananpuram, in his two wheeler near burial ground he stopped the two wheeler for the purpose of attending his natural call, where the petitioners said to have abused him using filthy language.

3. On the complaint lodged by the defacto complainant , the first respondent conducted investigation and filed final report. Now the defacto complainant appeared through counsel and filed an affidavit before this Court which reads as follows:



" 2. I state that based on my complaint the case has been registered against the petitioner in Crime No. 133 of 2019 after completing the investigation the first respondent has filed a final report and the same was taken on file in STC No. 692 of 2019 on the file of the Judicial Magistrate, Valliyoor. According to my complaint on 24.06.2019 at about 09.30 a.m., when I returned back to my village from Sanganapuram in my two wheeler, I have stopped by bike near Sanganapuram burial ground to pass the natural call where the petitioners abused me using filthy language.

3. I state that in fact no such occurrence was happened and I never seen the petitioner earlier. Originally on 25.06.2019 at morning hours, the first respondent called me and obtained signature in the blank papers by coercion , subsequently I came to understand that a case was registered against the petitioners based on the complaint given by me. Absolutely I never give any complaint against the petitioners and they did not abuse me as alleged in the complaint. On the particular date the police called me and get signature in the blank papers except that I did not aware anything. Further I have no objection to quash the proceedings against the petitioners".

3. It reveals from the affidavit that the second respondent did not lodge any complaint, signature was obtained and false complaint has been foisted against the petitioners. He further submitted that petitioners never abused him with filthy language. That apart, now he does not want to proceed with the case. Therefore the pendency of proceedings in STC No. 692 of 2019 on the file of the learned Judicial Magistrate, Valliyoor is nothing but clear abuse of process of law.

4. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in STC No. 692 of 2019 on the file of the learned Judicial Magistrate, Valliyoor , is quashed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1. The Judicial Magistrate, Valliyoor

2. The Inspector of Police
Pazhavor Police Station
Tirunelveli District

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

+1 CC to Mr.C. SUSI KUMAR, Advocate (SR-102458[F] dated
29/11/2019)

Crl.O.P.(MD)No.17687 of 2019

and

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MK (18.12.2019) 3P 5C