

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.14856 of 2013
and M.P.No.1 of 2013

Mr.K.Rangarasu,
S/o.Kannan

... Petitioner

-Vs-

Muralishankar,
S/o.Jayagopal.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.95 of 2013 on the file of the Judicial Magistrate No.I, Mannarkudi and to quash the same.

For Petitioner : Mr.R.Vivekananthan.

For Respondent : No appearance.

O R D E R

The respondent filed a private complaint against the petitioner under Section 156 and 200 Cr.P.C., before the learned Judicial Magistrate No.1, Mannargudi. The learned Magistrate took cognizance of the complaint in C.C.No.95 of 2013 and issued summons to the petitioner. Aggrieved by the summons received, the petitioner has filed the present petition invoking Section 482 Cr.P.C., to quash the private complaint filed against him.

2.The learned counsel for the petitioner would submit that the petitioner is a Municipal Engineer, Commissioner (incharge) of Municipality in Mannarkudi. While he went for collection of the tax, he was prevented and abused by the respondent herein. Therefore, the petitioner filed a complaint as against the respondent and after investigation a charge sheet was filed before the learned Judicial Magistrate No.I, Mannargudi, and the same was taken on file in C.C.No.119 of 2013, in which the trial has also commenced. The learned counsel further submitted that in order to wreck vengeance, as a counter blast, the respondent has made the present complaint. Even in the complaint, he has not made any specific allegations as against this petitioner.

The respondent has obtained anticipatory bail in that case and subsequently, he filed the present complaint, which itself shows that only to take vengeance, he has made this false complaint with false allegations. Therefore, the complaint in C.C.No.95 of 2013 is liable to be quashed.

3.None appeared on behalf of the respondent.

4.Heard the learned counsel for the petitioner and perused the records.

5.Admittedly, as stated by the learned counsel for the petitioner, the petitioner filed a complaint as against the respondent, after investigation a charge sheet was filed and taken on file in C.C.No.119 of 2013, before the learned Judicial Magistrate No.I, Mannargudi. Whereas, in the present complaint made by the respondent there are specific allegations as against this petitioner. Whether the allegations are true or false, whether the allegations are exaggerated due to vengeance, all these facts will be proved and decided only after enquiry by the Magistrate. Since, there are specific allegations in the complaint as against this petitioner, this Court is not inclined to quash the petition. It is for the petitioner to raise all his defense before the trial Court.

6.Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

- 1.The Judicial Magistrate No.I
Mannargudi
- 2.The Chief Judicial Magistrate
Thiruvarur District

Cr1.O.P.No.14856 of 2013

NR(CO)
SP(11/03/2020)