

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.1452 of 2020
and Crl.M.P.No.875 of 2020

T.Prakasam

... Petitioner

Vs.

1.State rep by,

The Inspector of Police,
Sendurai Police Station,
Sendurai, Ariyalur District,
(Crime No.216/2019)

2.Shalini

working as
Village Administrative Officer
Rayampuram Village
Ariyalur Taluk and District.

... Respondents

PRAYER : This petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.216/2019 on the file of the 1st respondent, Sendurai Police Station, Salem District and quash as far as the petitioner/accused is concerned the same in the interest of justice.

For Petitioner : Mr.M.Saravanakumar

For R1 : Mr.M.Mohamad Riyaz

Additional Public Prosecutor

J U D G M E N T

This Criminal Original Petition has been filed by the petitioner, to call for the records in Crime No.216/2019 on the file of the 1st respondent, Sendurai Police Station, Ariyalur District and quash as far as the petitioner/accused is concerned in the interest of justice.

2. The learned counsel for the petitioner has submitted that the petitioner has applied to grant patta with the 2nd respondent, but she has not granted patta and hence, the petitioner's wife has filed writ petition in W.P.No.37104/2016 seeking for grant of patta and the same is pending before this Court. He further submitted that the 2nd respondent, when she was

on maternity leave, lodged a false complaint stating that the petitioner sent a whatsapp message stating that she received a sum of Rs.20,000/- as bribe from one Nadesan S/o.Murugesan, and also gave a threat that the incident which took place at Telangana State setting fire to a woman Tahsildar should not to have occurred here also. He further submitted that the petitioner has not committed any offence. Only a false complaint has been lodged. Therefore, he prayed for quashing the FIR pending against the petitioner.

3. Per Contra, learned Additional Public Prosecutor has submitted that the 2nd respondent has categorically stated that in the complaint that the petitioner sent a whatsapp message to the VAOs' cell Phones with her photo and also with a message that she received a sum of Rs.20,000/- from one Nadesan for transfer of patta and the incident like the woman Tahsildar in Telengana State was set fire in the office should not have occurred at Ariyalur District also and the said message clearly shows that the intention of the petitioner is to cause bad rumour of the public servant and threat of injury to her and hence an FIR was registered under Sections 189, 505(1) and 506 (i) IPC and the investigation is still pending and only the investigation, can find whether the said message was sent by the petitioner or not. Hence, he prayed to dismiss the petition.

4. A perusal of the FIR shows that the 2nd respondent has stated clearly that the petitioner sent a whatsapp message to the VAOs with 2nd respondent's photo by saying that she received a sum of Rs.20,000/- from one Nadesan for transfer of patta and also sent a message that no occurrence like that if the occurrence which took place in Telengana should take place here also.

5. Considering the aforesaid facts and circumstances, this Court is of the view that there are prima facie materials against the petitioner and hence the 1st respondent is permitted to complete the investigation and only during the investigation, it can be found whether the said alleged WhatsApp message was sent by the petitioner or not and therefore, this Court is not inclined to allow this petition.

6. For the aforesaid reasons, this Criminal Original Petition is dismissed. The connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

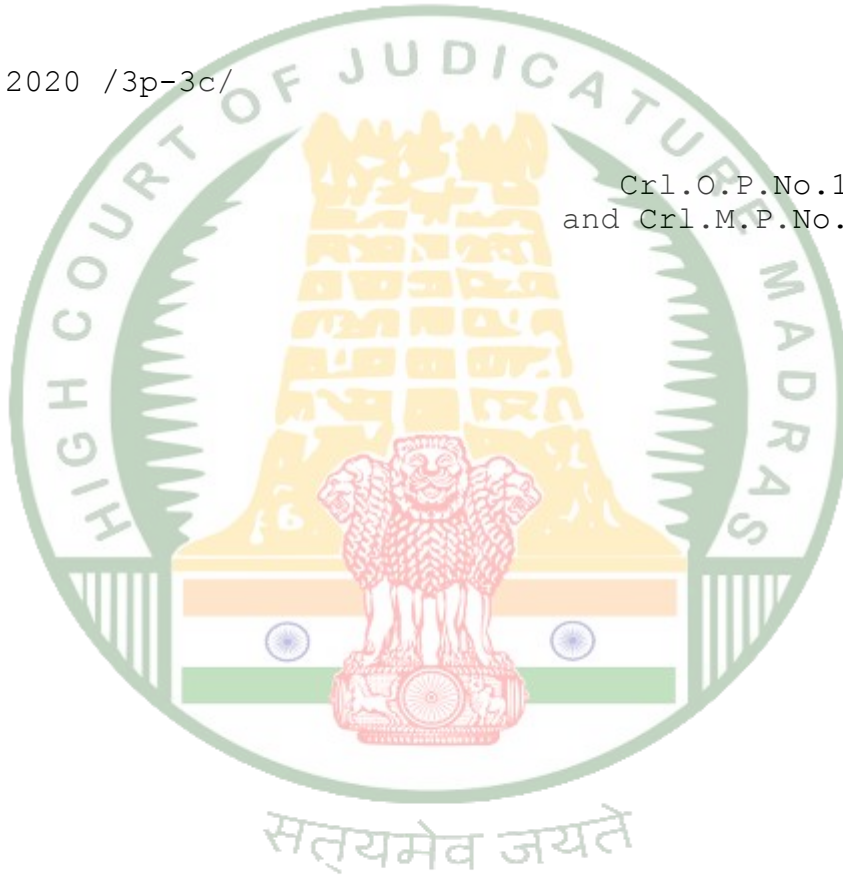
To

1.The Inspector of Police,
Sendurai Police Station,
Sendurai, Ariyalur District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Akm/02.03.2020 /3p-3c/

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