



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.OP (MD)No.4182 of 2020

and Crl.M.P (MD) No.2299 of 2020

WEB COPY

1. Veluswamy
2. S.Rajesh Kumar
3. J.G.Prince
4. C.K.Arul Raj
5. Palmani
6. Pon. Asai Thampi
7. N.George Robinson
8. V.Anatha Sekar
9. D.Arul Raj
- 10.P.Arul Dhas
- 11.S.Vetrivel
- 12.R.Radha Krishnan

... Petitioners

vs.

The State represented by
Inspector of Police,
Marthandam
Kanyakumari District

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.205 of 2019 on the file of the Respondent Police and quash the same.

For Petitioners : Mr. V.M.Balamohan Thampi

For Respondent : Mrs.Krithika Kamal
Government Advocate (Criminal Side)

ORDER

This petition has been filed seeking to quash the FIR filed against the petitioners/accused under Sections 143, 294(b), 341, 353 IPC and Section 3-A of Tamil Nadu Nuisance Act 1889.

2. It is the contention of the petitioners that FIR has been filed due to political vengeance. There is no ingredient made out and therefore, FIR has to be quashed.

3.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the case is already charge-sheeted before the Judicial Magistrate, Kuzhithurai. It is his further contention that there are serious allegations made against the officers with obscene words and hence, he opposed the petition.



4. I have perused the entire FIR. There are serious allegations made with obscene words against the officials and their family members besides prevented the officials from discharging their duties. When there are serious allegations made which require to be probed, the FIR cannot be quashed at the initial stage and as per the submission made by the learned Government Advocate, in this case, charge has also been filed before the Judicial Magistrate, Kuzhithurai.

5. In such view of the matter, having regard to the nature of the allegation made in the FIR, this Court cannot invoke inherent power under Section 482 of Cr.P.C to quash the FIR since the matter has already been investigated and charge sheet has also been filed.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Marthandam, Kanyakumari District

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

**Crl.O.P. (MD)No.4182 of 2020
and
Crl.M.P (MD) No.2299 of 2020
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SPU(01.09.2020) 2P 3C