



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No.12753 of 2016
and
Crl.M.P.No.6598 of 2016

1. K.Ravichandran
S/o. Gopal

2. K.Ravi Kumar
S/o. Gopal

... Petitioners

Vs.

1. State rep by
The Inspector of Police (Law & Order)
J-7, Velachery Police Station,
Chennai - 600 042
Crime No. 154 /2015

... 1st Respondent/Complainant

2. D.K.Balasubramanian
Sub Inspector - Traffic
Velachery Traffic Police Station,
Velachery, Chennai - 600 042.

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to call for records in S.C.No. 38 of 2016 on the file of II Additional City Civil Court, Chennai and quash the same.

For Petitioners : Mr.K.P.P.Rajaraja Chozhan

For Respondents : Mr.E.Rajthilak
Counsel for Government
(Crl.Side)



O R D E R

(This case has been heard through video conference)

WEB COPY

This Criminal Original Petition has been filed by the petitioners to call for the records in S.C.No.38 of 2016 on the file of the II Additional City Civil Court, Chennai and to quash the same.

2. The case of the prosecution is that on 13.01.2015, while the complainant - Sub Inspector attached to the Velacherry Traffic Police Station, was on duty in recovery vehicle near Velacherry Railway Station, the 1st petitioner had parked his auto bearing Regn.No. TN 11 Z 5202 in such a way it was causing traffic congestion. Hence, the complainant had asked the 1st petitioner to leave the place. Enraged by the same, the 1st petitioner took a knife from his auto and attacked the complainant. On seeing the same, the 2nd petitioner who was also at the scene of occurrence attacked the complainant and thereafter, escaped from the scene of occurrence.

3. The learned Counsel for the petitioners would submit that the petitioners hail from poor families and the auto stand of the 1st petitioner is situated near Velacherry Railway Station. The complainant had frequently used the services of the 1st petitioner without paying the auto charge and thereafter, he started using his auto for the whole day without paying the fare. Therefore, the 1st petitioner tried to avoid the complainant from providing such free trip. Therefore, in order to wreck vengeance, the complainant has foisted a false case against the 1st petitioner and since, the complainant knows the entire family details of the 1st petitioner, had also implicated his elder brother/the 2nd petitioner herein in this case. He would submit that the documentary evidence filed by the respondent are created only for the purpose of registering the case against the petitioners. The signatures of the respondent and the witnesses differ in the mahazar and also in the Seizure Mahazar. Further, the documents are seen altered and over written in the seizure mahazar and also in the list of property. Hence, he prays to quash the case in S.C.No.38 of 2016.

4. The learned Counsel for the Government (Crl. Side) would submit that there is no previous case against the petitioners and there is no overt-act against them.

5. Recording the submissions made by the learned Counsel for the Government (Crl. Side) and in view of the above facts, the Criminal Original Petition is allowed and the case in S.C.No.38 of 2016 on the file of the II Additional City Civil

